

stamped envelopes—to the Committee on the Post-Office and Post-Roads.

By Mr. TAYLOR of Alabama: Paper to accompany bill for relief of C. A. Powell, attorney of the estate of Dr. John H. Jones—to the Committee on War Claims.

By Mr. THOMAS of Ohio: Petition of citizens of Portage County, Ohio, against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petition of M. L. Crouch and others, for H. R. 15837, in aid of highways—to the Committee on Agriculture.

By Mr. TIRRELL: Petitions of William H. Bacon and others, and A. A. Barber, favoring a national highways commission and appropriation for federal aid in construction and improvement of highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of William H. Bacon, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petition of Kennedy Grange, No. 496, Patrons of Husbandry, and Ross Grange, No. 305, Patrons of Husbandry, favoring a national highways commission—to the Committee on Agriculture.

## SENATE.

WEDNESDAY, February 10, 1909.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

Mr. HENRY C. HANSBROUGH, a Senator from the State of North Dakota, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### DISBURSEMENT OF INDIAN FUNDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, by direction of the President and in response to a resolution of May 16, 1908, a detailed statement showing all revenues of every kind and character collected and all funds from all sources received and credited to each of the Choctaw, Chickasaw, Cherokee, Creek and Seminole tribes of Indians from January 28, 1898, to July 1, 1908 (S. Doc. No. 707), which, with the accompanying papers, was referred to the Committee on Indian Affairs and ordered to be printed.

### FRENCH SPOILIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims, set out in the annexed findings by the court relating to the vessel ship *Hope*, Sylvester Bill, master (H. Doc. No. 1440), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

### FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Cornelia A. Ulmer, widow of Albert F. Ulmer, deceased, *v. United States* (S. Doc. No. 709);

In the cause of John Alexander Besonen *v. United States* (S. Doc. No. 711); and

In the cause of Elmer K. Ramsburg and Alvah S. Ramsburg, executors of Urias D. Ramsburg, deceased, *v. United States* (S. Doc. No. 710).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

### ROCK RIVER BRIDGES.

The VICE-PRESIDENT laid before the Senate the bill (S. 8564) to authorize the construction of two bridges across the Rock River, State of Illinois, returned from the House of Representatives in compliance with the request of the Senate.

Mr. CULLOM. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. CULLOM. I move that the bill be indefinitely postponed. The motion was agreed to.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 15442. An act to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, and June 27, 1898;

H. R. 19606. An act to provide for the granting and patenting to the State of Colorado desert lands within the former Ute Indian Reservation in said State;

H. R. 24140. An act extending the provisions of the act of June 10, 1880, concerning transportation of dutiable merchandise without appraisement;

H. R. 25823. An act to amend an act entitled "An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes," approved February 21, 1907; and

H. R. 27069. An act to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the city of Henderson, Ky.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 13809. An act for the relief of Charles S. Blood; and

H. R. 27252. An act for the relief of Francisco Krebs and his heirs and assigns.

### CREDENTIALS.

Mr. TALIAFERRO presented the credentials of DUNCAN U. FLETCHER, appointed by the governor of the State of Florida a Senator from that State until the next meeting of the legislature thereof, to fill the vacancy in the term beginning March 4, 1909, which were read and ordered to be filed.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Board of Trade of Wilmington, Del., remonstrating against the enactment of legislation proposing to fix arbitrarily the price for smokeless powder, which was referred to the Committee on Naval Affairs.

He also presented memorials of the Typographical Union of St. Louis, Mo.; the Typographical Union of Henderson, Ky.; the Allied Printing Trades Council of St. Louis, Mo.; the Typographical Union No. 79 of Wheeling, W. Va.; the Typographical Union of Syracuse, N. Y.; the Typographical Union of Cincinnati, Ohio; the Typographical Union of Bradford, Pa.; the Typographical Union of Adrian, Mich.; and the Typographical Union of Evansville, Ind., remonstrating against authorizing the printing in connection with the Census Office being given to private concerns, which were referred to the Committee on the Census.

Mr. KEAN presented a petition of the State Board of Agriculture of Trenton, N. J., and a petition of the State Horticultural Society of Trenton, N. J., praying for the enactment of legislation to prohibit the manufacture, sale, and transportation of fungicides and insecticides entering into interstate commerce, which were ordered to lie on the table.

Mr. CULLOM presented a petition of sundry citizens of Chicago, Ill., praying for the enactment of legislation to establish a national children's bureau in the Department of the Interior, which was referred to the Committee on Education and Labor.

He also presented a petition of Rear-Admiral H. F. Picking Naval Garrison, No. 4, Army and Navy Union of the United States, of Erie, Pa., praying for the enactment of legislation providing for the retirement of petty officers and enlisted men of the navy after twenty-five years' actual service, which was referred to the Committee on Military Affairs.

Mr. SCOTT presented a petition of Local Lodge No. 308, Benevolent and Protective Order of Elks, of Grafton, W. Va., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BRANDEGEE presented a petition of the congregation of the First Baptist Church of Bozrah, Conn., and a petition of the congregation of the Center Congregational Church, of Meriden, Conn., praying for the passage of the so-called "Burkett antirace-gambling" bill, which was referred to the Committee on the Judiciary.

Mr. PILES presented a petition of Washington Grange, No. 82, Patrons of Husbandry, of Vancouver, Wash., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of the Board of Trade of Portland, Me., praying for the ratification of reciprocal trade relations with the Dominion of Canada, which was referred to the Committee on Foreign Relations.

Mr. FLINT presented a memorial of sundry citizens of California, remonstrating against any reduction being made in the duty on sugar imported from the Philippine Islands, which was referred to the Committee on Finance.

#### REPORTS OF COMMITTEES.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 6935) for the relief of the Merritt & Chapman Wrecking Company, reported it without amendment and submitted a report (No. 956) thereon.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the message of the President of the United States relating to radio-telegraphy, being Senate Document 700, Sixtieth Congress, second session, asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce, which was agreed to.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (H. R. 8558) for the relief of R. J. B. Newcombe, reported it without amendment and submitted a report (No. 957) thereon.

Mr. McCREARY, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 958), accompanied by a bill (S. 9278) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war, and to certain dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

- S. 2721. Thomas H. Reynolds;
- S. 3736. Perry Duncan;
- S. 4215. Anna Sterr;
- S. 5302. George W. Webb;
- S. 6281. Frances G. Webster;
- S. 6297. Calvin W. Cooke;
- S. 6693. Mary R. Greer;
- S. 7629. Byron H. Bronson;
- S. 7664. Alexander Snodgrass;
- S. 7976. Florence Van Etta;
- S. 8641. George Stevens;
- S. 8858. Thomas H. Beck;
- S. 8861. Martha E. Bradley;
- S. 8926. Sarah B. Hatch; and
- S. 9095. John W. Ragan.

Mr. HALE. I am directed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes, to report it with amendments, and I submit a report (No. 955) thereon. I shall call up the bill for consideration at the very earliest practicable moment.

The VICE-PRESIDENT. The bill will be placed on the calendar.

Mr. PAYNTER, from the Committee on Claims, to whom was referred the bill (H. R. 13777) for the relief of the estate of Samuel Beatty, deceased, reported it without amendment and submitted a report (No. 959) thereon.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 26th ultimo, authorizing the President to assign any regularly appointed consul of class 7 or 8 to service in the Department of State without change of salary, etc., intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be printed and, with the explanatory papers, referred to the Committee on Appropriations, which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 26th ultimo, authorizing the President to assign any regularly appointed secretary of embassy or legation to service in the Department of State without change of salary, etc., intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be printed and, with the explanatory papers, referred to the Committee on Appropriations, which was agreed to.

Mr. PENROSE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 25805) to reenact and to amend sections 3646 and 3647 of the Revised Statutes, reported it without amendment and submitted a report (No. 960) thereon.

Mr. FLINT, from the Committee on Public Lands, to whom was referred the bill (H. R. 24833) to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States," reported it without amendment and submitted a report (No. 961) thereon.

#### EMPLOYMENT OF STENOGRAPHER.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 284, submitted yesterday by Mr. NELSON, reported it without amendment, and it was considered, by unanimous consent, and agreed to, as follows:

*Resolved*, That the Committee on Public Lands be, and it is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such testimony as may be taken by the committee, of its subcommittees, in connection with bills and other matters pending before said committee, and to have the same printed for its use; and that such stenographer be paid out of the contingent fund of the Senate.

#### CLARK COUNTY, KY.

Mr. PAYNTER. I report back favorably from the Committee on Claims, without amendment, the bill (H. R. 18417) for the relief of Clark County, Ky. I ask for the present consideration of the bill.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to the county of Clark, State of Kentucky, \$2,727.05, to reimburse that county for the building of a bridge across Howards Creek in said county.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 9279) to require radio-telegraphic installations and radio-telegraphers on certain ocean steamers, which was read twice by its title and referred to the Committee on Commerce.

Mr. CULLOM introduced a bill (S. 9280) granting an increase of pension to William T. Coleman, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 9281) to amend an act approved January 5, 1905, entitled "An act to incorporate the American National Red Cross," which was read twice by its title and, with the accompanying papers, referred to the Committee on Foreign Relations.

Mr. SCOTT introduced a bill (S. 9282) for the relief of Marcellus Troxell, which was read twice by its title and, with the accompanying papers, referred to the Committee on Inter-oceanic Canals.

Mr. McCREARY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 9283) for the relief of Hettermann Brothers Company, a corporation under the laws of the State of Kentucky;

A bill (S. 9284) for the relief of Madison County, Ky.; and

A bill (S. 9285) for the relief of Madison County, Ky.

Mr. GUGGENHEIM introduced a bill (S. 9286) authorizing the Secretary of War to furnish two condemned brass or bronze field guns, carriages, and cannon balls to the State of Colorado, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. TILLMAN introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 9287) for the relief of the heirs of Daniel W. Brown, deceased; and

A bill (S. 9288) for the relief of the heirs of Tirzah P. Brown, deceased.

Mr. PILES introduced a bill (S. 9289) granting a pension to Francis R. Gorman, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PAYNTER introduced a bill (S. 9290) for the relief of the Christian Church of California, Ky., which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 9291) for the relief of W. J. Vanhooze, heir of Felt Vanhooze, of Louisa, Ky., which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. KEAN introduced a bill (S. 9292) granting a pension to Louis Francke, which was read twice by its title and referred to the Committee on Pensions.

Mr. WARNER introduced a bill (S. 9293) to establish and construct a national highway from the southern limits of the city of St. Louis to the national cemetery at Jefferson Barracks, Mo., which was read twice by its title and referred to the Committee on Military Affairs.

Mr. BAILEY (by request) introduced a bill (S. 9294) granting a pension to Malinda E. Church, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.



Mr. HALE introduced a bill (S. 9295) in relation to the salary of the Secretary of State, which was read twice by its title and referred to the Committee on the Judiciary.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. MARTIN submitted an amendment relative to granting leaves of absence to per diem employees in the navy-yards of the country, etc., intended to be proposed by him to the naval appropriation bill, which was ordered to lie on the table and be printed.

Mr. GUGGENHEIM submitted an amendment proposing to appropriate \$2,500 for the establishment of a professorship at the forestry school at Fort Collins, Colo., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to appropriate \$2,500 for the establishment of a professorship at the forestry school at Fort Collins, Colo., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PILES submitted an amendment proposing to appropriate \$30,000 for a light-house and fog-signal station on Eliza Island, Bellingham Bay, Washington, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for the purchase of a site and the purchase or construction of a wharf and store-houses thereon at some point on the northern coast of the State of Washington, between Cape Flattery and Port Townsend, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to extend the limit of cost of the court-house, custom-house, and post-office building at Seattle, Wash., to \$12,000, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. OVERMAN submitted an amendment proposing to appropriate \$30,000 to increase the limit of cost for the site and public building at Washington, N. C., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate \$40,000 to enable the Secretary of the Interior to purchase lands and water rights for the use of the Navajo Indians who have lost title to their homes on the public domain in Arizona, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

#### AMERICAN NATIONAL INSTITUTE AT PARIS.

On motion of Mr. FRYE, it was

Ordered, That there be printed for the use of the Senate 1,000 copies of Senate Document No. 167, Fifty-eighth Congress, third session, concerning the proposed American National Institute at Paris, which shall include new matter, bringing it up to date.

#### IRON ORE AND PIG IRON.

Mr. CUMMINS submitted the following resolution (S. Res. 285), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Department of Commerce and Labor be, and he is hereby, directed to furnish the Senate, as soon as practicable, a report showing the total amount of iron ore and pig iron produced and manufactured in the United States in any twelve successive months ending not earlier than June 30, 1908; and also showing the names of all persons, partnerships, or corporations producing iron ore or manufacturing pig iron and the amount produced or manufactured by each thereof.

#### MEXICO'S INTEROCEANIC ROUTE.

Mr. GALLINGER. Mr. President, in the South American Journal, of London, under date of August 15, 1908, there is a very interesting article entitled "Across America: Mexico's New Interoceanic Route—Rival to Panama Canal." It is not a lengthy article, and I ask that it may be printed in the Record and also as a Senate document.

There being no objection, the matter referred to was ordered to be printed as a document (S. Doc. No. 706) and to be printed in the Record, as follows:

#### ACROSS AMERICA—MEXICO'S NEW INTEROCEANIC ROUTE—RIVAL TO PANAMA CANAL.

[From the South American Journal (London), August 15, 1908.]

In September of this year the Tehuantepec National Railway will be opened for European freight and passenger business.

This bold statement will convey very little to the ordinary Englishman, but its importance is fully realized in the United States, where the new line is looked upon as a rival to the future Panama Canal. It is, at any rate, certain to become the most favored of all transcontinental land routes. The Tehuantepec National Railway runs from Puerto Mexico (formerly known as Coatzacoalcas), on the Atlantic, to Salina Cruz, on the Pacific coast. As the bird flies it is about 125 miles

across the isthmus from ocean to ocean, but by the road which the railway is compelled to follow the distance is 190 miles. With the exception of the Panama railway, it is the shortest transcontinental route.

From the very earliest times the advantages of the isthmus as a line of communication between the two oceans would appear to have appealed to the minds of travelers and explorers, and it is on record that Humboldt designated it the "bridge of the world's commerce." But the bridge has taken a long time to finish. The project of actually constructing some line of communication dates back nearly half a century. Long before Capt. James Eads planned his ship railway across the isthmus attempts were made both at building ordinary railroads and at digging a canal. From 1857 until 1882 various concessions were granted, generally to American citizens or corporations, and were invariably forfeited owing to the inability of the concessionaires to fulfill their obligations. In the latter year the Mexican Government determined to build the railway themselves, and entered into a contract with Mr. Delfin Sanchez for the construction of the road. This arrangement also proved unsatisfactory, and it was rescinded after about 67 miles of railway had been completed.

A loan of £2,700,000 was then raised, and a new contract was made with Colonel McMurdo for the reconstruction of the 67 miles of the line, which had been built in a hurried and unsatisfactory manner, as well as for the completion of the line, some 142 miles more. The contractor undertook to finish the work in thirty months, but he died in 1890.

#### FROM OCEAN TO OCEAN.

At length, after considerable difficulties, financial and otherwise, had been surmounted, the railroad was actually completed from ocean to ocean in 1894; but no sooner was it done than defects in construction, as well as want of suitable harbor facilities on both the Gulf and Pacific coasts, made it necessary to begin the work over again.

Much remained to be done in order to adapt the line to heavy traffic; and, recognizing that the railway was to all intents and purposes a valuable property, the Mexican Government began to devise means for rendering the line of some practical use as a route for transcontinental traffic. With this object in view, they entered into negotiations with the firm of S. Pearson & Son (Limited), the great contractors, whose head, Sir Weetman Pearson, M. P., had already gained a great name in Mexico through the successful construction of the drainage canal of the Valley of Mexico and of the port works at Veracruz.

Under the various contracts entered into the firm of Pearson & Son enjoyed, so to speak, a dual character toward the Mexican Government—first, as contractors for the construction of two harbors, at Salina Cruz and Puerto Mexico, and, secondly, as partners in the exploitation of the railway and the ports when completed. This is believed to be the first instance on record in which a national government has taken a private firm into partnership, and speaks volumes for the high reputation for efficiency and integrity which Sir Weetman Pearson had acquired in his earlier dealings with the Mexican Government, as Mr. W. Max Muller, secretary to his Majesty's legation at Mexico, points out in his report on the enterprise.

#### £10,000,000 EXPENDED.

The cost of the improvement of the railway, which involved its practical reconstruction, has been borne entirely by the Mexican Government, who up to date have certainly spent not less than £2,000,000 in bringing it to its present efficient state. The actual work was carried out by the Pearson firm, not as contractors but as agents, at cost price. On the works at Salina Cruz and Puerto Mexico the expenditure was originally limited to £6,500,000, but this is likely to be considerably exceeded before the harbors and jetties are completed. By the terms of other contracts Messrs. Pearson have entered into a partnership with the Mexican Government under the title of the Tehuantepec National Railway Company. The agreement holds good for a period of fifty-one years from 1902, and the partners furnish in equal shares the working capital of £7,000,000. But Messrs. Pearson are the managers of the property, the Government merely retaining the right of inspection.

It is calculated that since the first work was done on the Tehuantepec route over £10,000,000 have been expended, and before the harbor works are perfected the capital expenditure will have reached £13,000,000. The work, both on the railway and at the ports, seems to have been carried out with the thoroughness that characterizes the enterprises of Messrs. Pearson. "It certainly was a delightful sensation," writes Mr. Max Muller, "to be rushing through the tropical forest at a rate which sometimes exceeded 56 miles per hour, and so smoothly that even during meals one was not incommoded by the speed. I wish travelers could experience such a sensation on the other lines of Mexico," he adds, with feeling.

#### THROUGH TROPICAL FORESTS.

Many difficulties were encountered by the contractors in the initial periods of the reconstruction of the railway, arising principally from the heavy rainfall during the rainy season, the exuberant vegetation, and other tropical conditions, and also on account of the difficulty in obtaining labor, caused chiefly by the fears of yellow fever. These difficulties have now been triumphantly overcome, and the railroad is in excellent structural condition, with a good roadbed of rock ballast and new steel bridges, while the management appears to be thoroughly capable and efficient.

The equipment of the Tehuantepec road is of the most modern description. The gauge is the standard one of 4 feet 8½ inches; the numerous bridges are of steel, with solid masonry abutments, and culverts of adequate capacity have been put in wherever required. One of the many problems which had to be solved was presented by the luxuriant vegetation, which if left to itself would soon overgrow the track and stop the trains. Manual labor is constantly employed to remove the rapid growth, and figures for a considerable sum in the annual maintenance of the road; but in addition the company has made use of an ingenious device for sprinkling the roadbed with crude oil, heated to 210° F., from their oil fields on the Coahuila River, which destroys even the roots of plants, and has the additional advantage of laying the dust, thus adding to the comfort of traveling in a hot climate. The rolling stock is of the most substantial and modern description, and is more numerous in proportion to the mileage than that of any other railway in the Republic. All the locomotives burn oil fuel, which at present is imported from Texas; but very shortly Messrs. Pearson will be able to supply the oil more cheaply and expeditiously from their own oil fields adjacent.

The Mexican Government has spared no expense to make this new interoceanic route between the Atlantic and Pacific oceans across Mexico an unqualified success. The equipment at the railway company's terminal ports, and also the rolling stock, are the best of their kind obtainable, and fully adequate and specially designed to handle transshipment freight in any volume with the greatest safety, economy, and dispatch. The railway company claim that actual handling of the cargo

at the terminal ports is in every case reduced to a minimum, as, where possible, all freight is transferred by one operation direct from steamers' holds at Puerto Mexico to covered box cars by the company's electric cranes, and similarly the electric cranes handle the goods also by one operation direct from the railway company's cars alongside the steamer at Salina Cruz to the ship's hold; if necessary, goods can be transferred direct from the ship's hold to the ample steel and masonry warehouses at each port, and vice versa.

There is no lighterage of any description at this company's port terminals, thus avoiding any rehandling; all vessels are discharged alongside the railway company's wharves. Over 26 miles of sidings at each port insure expeditious handling of the cars and quick dispatch of the steamers. The terminal ports of Puerto Mexico and Salina Cruz being absolutely under the control of the Tehuantepec National Railway, the risk of loss or damage to goods on the Isthmus of Tehuantepec is reduced to a minimum. Each terminal of the railway is a bonded zone, securely protected by surrounding iron fences; while the entrances are protected by customs guards, pilferage should be impossible.

It will be noted that the Isthmus of Tehuantepec is some 600 miles farther north of the equator than Panama. During the greater part of the year the climate on the isthmus is tempered by strong northerly winds. It can not be said that at any time the heat on the Isthmus of Tehuantepec is greater than at New Orleans or Galveston; it is, in fact, but little greater than the average summer heat at New York itself. In comparison with the all-rail transcontinental routes from New York, New Orleans, etc., to the Pacific coast points, it should be remembered that the Tehuantepec route is essentially a sea route, and that the actual haul from the Atlantic to the Pacific occupies no more than half a day. With the frequent steamship connections at both Salina Cruz and Puerto Mexico it is fair to reckon that freight will not be detained on the Isthmus of Tehuantepec longer than at most a week, while the period will generally not be more than two days.

During that period the railway company's equipment adequately protects the cargo from all climatic influence. This compares with an average of five weeks in transit by the transcontinental railways from Atlantic ports to Pacific ports. At Puerto Mexico the Tehuantepec Railway Company has seven steel warehouses and at Salina Cruz four steel warehouses, with two others under construction, making altogether a total warehouse capacity at the terminal ports on the Isthmus of Tehuantepec for 150,000 tons of cargo.

Although this is a new interoceanic route, and through-billing facilities from Europe to all ports on the west coast of America between Valparaiso and Vancouver, B. C., inclusive, are only now offered to European shippers for the first time, yet this route has been successfully handling interoceanic traffic since January, 1907, and over 500,000 tons of American domestic traffic have passed over the Isthmus of Tehuantepec since that date and have been delivered in quick time and good condition.

#### STEAMSHIP CONNECTIONS.

Salina Cruz will possess one of the finest dry docks in the world, and the largest on the Pacific coast. It is 610 by 89 feet, with a depth on sill at low water of 28 feet. It is now completed, and only waiting for the entrance channel to be dredged. Arrangements have been made for steamship connections from Salina Cruz to all ports on the west coast as far south as Valparaiso and to all ports as far north as Victoria and Vancouver, B. C., as well as to the Far East. There will be regular northbound sailings from Salina Cruz on the Pacific as follows:

American-Hawaiian Line, direct to United States Pacific ports, three a month.

Kosmos Line, to Mexican, also United States Pacific ports, two a month.

Cia Naviera, to Mexican ports, three a month.

Canadian-Mexican-Pacific Line, to Mexican and Canadian ports, one a month.

In addition, the Kosmos Line will have two sailings a month from Salina Cruz to all ports southbound.

The numerous lines already running from England to the Gulf of Mexico, and from the Continent to the Gulf, are putting on regular services from European ports to Puerto Mexico, and within a month the following will make this a port of call: Royal Mail Steam Packet Company, Harrison Line, Leyland Line, Cuban Line, Hamburg-American Line, Compagnie Generale Transatlantique, and Compagnia Transatlantica.

"It is always dangerous to prophesy," writes Mr. Max Muller at the end of his report, "but if pluck and perseverance are to have their reward, certainly the Mexican Isthmus route should be a success. The object which the Government and the contractors have had before them has been to handle freight at the lowest possible cost by preparing to do it on the largest scale practicable with modern machinery, and to attain this object neither money nor labor has been spared. To those who, like myself, have only seen the almost completed results, it is difficult to realize the conditions that existed on the isthmus five years ago, when nature was continually undoing the work done, and when the financial prospects appeared gloomy. I have little doubt that the optimistic forecasts of the Mexican Government as to the future of the route will be realized, but in any case the railway will remain as a monument to the enlightened and progressive policy of General Diaz and to the pluck and efficiency of the British firm who have carried through the great work to such a successful conclusion."

#### HOUSE BILLS REFERRED.

H. R. 15442. An act to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, and June 27, 1898, was read twice by its title and referred to the Committee on Private Land Claims.

H. R. 19606. An act to provide for the granting and patenting to the State of Colorado desert lands within the former Ute Indian Reservation in said State was read twice by its title and referred to the Committee on Public Lands.

H. R. 24140. An act extending the provisions of the act of June 10, 1880, concerning transportation of dutiable merchandise without appraisement, was read twice by its title and referred to the Committee on Commerce.

H. R. 25823. An act to amend an act entitled "An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes," approved

February 21, 1907, was read twice by its title and referred to the Committee on Territories.

H. R. 27069. An act to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the city of Henderson, Ky., was read twice by its title and referred to the Committee on Military Affairs.

#### THE CALENDAR—BILLS PASSED OVER.

The VICE-PRESIDENT. The morning business is closed, and the calendar is in order under Rule VIII. The first bill on the calendar will be announced.

The bill (S. 915) to prevent the sale of intoxicating liquors in buildings, ships, navy-yards, and parks and other premises owned or used by the United States Government was announced as first in order on the calendar.

Mr. SCOTT. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from West Virginia.

The bill (S. 6576) to regulate the interstate-commerce shipments of intoxicating liquors was announced as next in order.

Mr. KNOX. That may go over.

The VICE-PRESIDENT. The bill will go over, at the request of the Senator from Pennsylvania, without prejudice.

The bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes, was announced as next in order.

The VICE-PRESIDENT. This bill is the unfinished business of the Senate.

Mr. McCUMBER. Let it go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from North Dakota.

The bill (S. 6495) to provide for the incorporation of banks within the District of Columbia was announced as next in order.

The VICE-PRESIDENT. This bill was considered January 6 last and read in full.

Mr. CLARK of Wyoming. I ask that it may go over without prejudice.

The VICE-PRESIDENT. The bill will be passed over without prejudice, at the request of the Senator from Wyoming.

The bill (S. 6626) providing for the condemnation for any public purpose of lands owned or held by the United States was announced as next in order.

Mr. FLINT. I ask that the bill may go over under Rule IX.

Mr. CLARK of Wyoming. I hope the Senator will not insist on that, but will allow the bill to be passed over without prejudice.

Mr. FLINT. I can not be here every minute to watch it. If it is understood that the bill will not be called up in my absence, I will not object.

Mr. CLARK of Wyoming. I have no desire to call up the bill out of its order, though I feel great interest in it. But I dislike to have it go under Rule IX.

Mr. FLINT. Very well.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

The bill (S. 4027) to parole United States prisoners, and for other purposes, was announced as next in order.

The VICE-PRESIDENT. On January 6 the bill was considered as in Committee of the Whole, and the committee amendments were agreed to.

Mr. CLARK of Wyoming. I do not desire to have the bill considered in the absence of the Senator from Maine [Mr. HALE]. Let it go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Wyoming.

The bill (S. 7697) to ratify an act of the legislature of the Territory of Hawaii, authorizing the manufacture and distribution of electric light and power in the district of Lahaina, Territory of Hawaii, was announced as next in order.

Mr. FLINT. Let the bill go over.

The VICE-PRESIDENT. The bill will go over, at the request of the Senator from California, without prejudice.

The bill (S. 7698) to ratify and confirm an act of the legislature of the Territory of Hawaii, authorizing the manufacture and distribution of electric light and power in the district of Wailuku, Territory of Hawaii, was announced as next in order.

Mr. FLINT. I make the same request in regard to this bill.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

The bill (S. 423) to amend section 6 of an act entitled "An act to regulate commerce," approved February 4, 1887, and acts amendatory thereof, was announced as next in order.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from New Jersey.



Mr. KEAN. Let it go to the calendar under Rule IX.

The VICE-PRESIDENT. The bill will go to the calendar under Rule IX at the request of the Senator from New Jersey.

#### KALAMAZOO RIVER LIGHT-HOUSE.

The bill (S. 7210) to authorize an exchange of the present site of the light-house at the mouth of the Kalamazoo River, in Michigan, for a new site therefor on the new channel now being the outlet of said river into Lake Michigan, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, to strike out all after the enacting clause and to insert:

That upon receipt of a conveyance vesting in the United States a good and sufficient title to such equal quantity of land adjoining the new channel now being the outlet of Kalamazoo River as in the opinion of the Secretary of Commerce and Labor is satisfactory in character and location to serve as a site for a light station and accessories, and in consideration thereof the Secretary of Commerce and Labor is authorized and directed to receive said conveyance and to execute and deliver to the grantor in the former deed a good and sufficient conveyance of all the land comprising the present site, which is described in the deed thereof to the United States as village lots Nos. 10, 11, 12, 13, 14, 15, 16, 17, and 18, in block No. 27, in the village plat of Kalamazoo, in Allegan County, Mich.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. The Committee on Commerce also report to strike out the preamble. The question is on agreeing to the amendment striking out the preamble.

The amendment was agreed to.

#### WILLIAM T. ROSSELL, JR., AND HARRY G. WEAVER.

The bill (S. 7486) authorizing the President to reinstate William T. Rossell, jr., and Harry G. Weaver as cadets in the United States Military Academy was announced as next in order.

Mr. DICK. Let the bill go over.

The VICE-PRESIDENT. The bill will go over, at the request of the Senator from Ohio, without prejudice.

#### NAVAL PRISONERS ON DISCHARGE.

The bill (S. 7652) to provide suitable civilian clothing and a cash gratuity to naval prisoners on discharge was considered as in Committee of the Whole. It provides that persons confined in prisons in pursuance of the sentence of a naval court-martial shall, during such confinement, be allowed a reasonable sum, not to exceed \$3 per month, for necessary prison expenses, and shall, upon discharge, be furnished with suitable civilian clothing and paid a gratuity not to exceed \$25. Such allowances shall be made in amounts to be fixed by, and in the discretion of, the Secretary of the Navy, and only in cases where the prisoners so discharged would otherwise be unprovided with suitable clothing or without funds to meet their immediate needs.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER.

The bill (S. 7914) to amend sections 7 and 8 of the act of May 29, 1908 (35 Stat. L., 460), entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect," was announced as the next business in order on the calendar.

Mr. McCUMBER. I ask that the bill may go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from North Dakota.

The bill (S. 7916) to amend an act approved May 8, 1906, entitled "An act to amend section 6 of an act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes,'" was announced as next in order.

Mr. McCUMBER. That also may go over.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from North Dakota, without prejudice.

The bill (S. 6272) to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace," was announced as next in order.

Mr. KEAN. That is the bill the Senator from Rhode Island [Mr. ALDRICH] desires to look into. Let it be passed over.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from New Jersey, without prejudice.

The bill (S. 8396) incorporating the National Academy of Art and Letters was announced as next in order.

Mr. McCUMBER. I ask that the bill may go over and be placed on the calendar under Rule IX.

The VICE-PRESIDENT. The bill will be placed on the calendar under Rule IX, at the request of the Senator from North Dakota.

The bill (S. 8395) incorporating the National Institute of Arts and Letters was announced as next in order.

Mr. McCUMBER. I make the same request in regard to this bill. Let it go to the calendar under Rule IX.

The VICE-PRESIDENT. The bill will go to the calendar under Rule IX, at the request of the Senator from North Dakota.

The bill (S. 5694) to provide for the lading or unlading of vessels at night, to facilitate the entry of vessels, and for other purposes was announced as next in order.

Mr. FRYE. The bill may go over without prejudice.

The VICE-PRESIDENT. The bill will be passed over without prejudice, at the request of the Senator from Maine.

The bill (H. R. 3760) for the relief of the creditors of the Deposit Savings Association, of Mobile, Ala., was announced as next in order.

Mr. SMOOT. I ask that the bill may go over without prejudice, in the absence of the Senator from Rhode Island [Mr. ALDRICH].

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Utah.

The bill (S. 8245) to authorize appeals to be taken from the judgments of the Court of Claims to the Supreme Court of the United States in certain cases now pending before the Court of Claims, and for other purposes was announced as next in order.

Mr. CLAPP. Let the bill go over.

The VICE-PRESIDENT. The bill will go over, at the request of the Senator from Minnesota, without prejudice.

#### DISTRICT OF COLUMBIA MILITIA.

The bill (H. R. 21926) for the organization of the militia in the District of Columbia was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was, on page 2, line 3, after the word "the," to insert "land forces of the;" in line 4, after the word "brigadier-general," to insert " (the commanding general of the Militia of the District of Columbia) ;" in line 8, after the word "department," to insert "a department of small-arms practice;" in line 14, before the word "to," to insert "all;" in line 15, after the word "Army," to insert "or the organized militia;" and in line 25, after the word "and" where it occurs the second time, to strike out "noncommissioned officers" and insert "enlisted men," so as to read:

Strike out the whole of section 11 and insert in lieu thereof the following:

"SEC. 11. That the land forces of the national guard shall consist of one brigadier-general (the commanding general of the Militia of the District of Columbia), an adjutant-general's department, an inspector-general's department, a judge-advocate-general's department, a quartermaster's department, a subsistence department, a department of small-arms practice, a medical department and hospital corps, a pay department, a corps of engineers, an ordnance department, a signal corps, a coast-artillery corps, two regiments and one separate battalion of infantry, four companies of coast artillery, a troop of cavalry, and one battery of field artillery, all to be organized by the President as now provided for the Regular Army or the organized militia by law or regulation: *Provided*, That the President of the United States, the Commander in Chief, shall have power to alter, divide, annex, consolidate, disband, or reorganize the same whenever in his judgment the efficiency of the forces will be thereby increased, and he shall at any time have power to change the organization of departments, staff corps, regiments, battalions, companies, troop, and battery so as to conform to any organization, system of drill, or instruction now or hereafter adopted for the Army of the United States or the organized militia, and for that purpose the number of officers and enlisted men of any grade in departments, staff corps, regiments, battalions, companies, troop, and battery may be increased to the extent made necessary by the new positions thus created."

Mr. KEAN. Do I understand that there is a general of militia in the District of Columbia? He is named general.

Mr. DICK. A brigadier-general.

Mr. WARREN. The commander of the militia in the District is a brigadier-general now.

The amendment was agreed to.

The next amendment was, on page 3, after line 4, to insert the following:

Strike out all of sections 12, 13, 14, 15, 16, and 17; change the number of section 18 to 12; and amend section 19 to read as follows:

"SEC. 13. That all officers shall be commissioned by the President of the United States, on the recommendation of the commanding general. That they shall be nominated as herein provided. No person commissioned as an officer shall assume such rank or enter upon the duties of the office to which he may be commissioned until he has accepted such commission and taken such oaths or affirmation as may be prescribed."

The amendment was agreed to.

The next amendment was, on page 3, line 16, after the word "of," to strike out the word "section" and to insert "sections 20 and;" in line 18, after "Sec.," strike out "21" and insert "14;" and in line 19, after the word "the," to strike out "troop and companies" and insert "organizations," so as to read:

Strike out all of sections 20 and 21 and insert in lieu thereof the following:

"Sec. 14. That the officers of the staff departments, staff corps, and the organizations created by this act when organized shall be nominated by the commanding general, subject to the examination required by law."

The amendment was agreed to.

The next amendment was, on page 3, line 25, after "Sec.," to strike out "22" and insert "15;"

On page 4, line 10, after "Sec.," strike out "22a" and insert "16;"

On page 4, in line 16, after "Sec.," strike out "23" and insert "17;"

On page 5, line 5, after the word "for," to strike out "one year" and insert "ninety days;"

On page 5, line 11, after "Sec.," strike out "23a" and insert "18;"

On page 5, line 15, after "Sec.," strike out "23b" and insert "19;" and

On page 6, line 6, after "Sec.," strike out "23c" and insert "20."

The amendment was agreed to.

The next amendment was, on page 7, after line 22, to insert the following:

Change the number of section 24 to 21.

The amendment was agreed to.

The next amendment was, on page 8, line 3, after "Sec.," to strike out "25" and insert "22."

On page 8, line 24, after "Sec.," to strike out "26" and insert "23."

The amendment was agreed to.

The next amendment was, on page 9, after line 5, to insert the following:

Change the number of section 27 to 24.

The amendment was agreed to.

The next amendment was, on page 9, line 10, after "Sec.," to strike out "28" and insert "25."

The amendment was agreed to.

The next amendment was, on page 9, after line 23, to strike out the following:

Sec. 28a. That an enlisted man be discharged without honor at any time by order of the commanding general on account of his being continually absent without leave from his command for a period of not less than three months.

And to insert:

26. That an enlisted man may be discharged without honor at any time by order of the commanding general on account of fraudulent enlistment, or on account of his being continuously absent without leave from his command for a period of not less than three months.

The amendment was agreed to.

The next amendment was, on page 10, line 7, after "Sec.," to strike out:

29. That an enlisted man shall be dishonorably discharged by order of the commanding general to carry out the sentence of a court-martial.

And insert:

27. That an enlisted man shall be dishonorably discharged by order of the commanding general upon conviction of felony in a civil court; upon discovery of reenlistment after previous dishonorable discharge; or to carry out a sentence of a court-martial.

Change the number of section 30 to 28.

Change the number of section 31 to 29.

Change the number of section 32 to 30.

The amendment was agreed to.

The next amendment was, on page 10, line 22, after "Sec.," to strike out "32a" and insert "31."

The amendment was agreed to.

The next amendment was, on page 11, after line 17, to insert:

Change the number of section 33 to 32.

Change the number of section 34 to 33.

The amendment was agreed to.

The next amendment was, on page 11, line 23, after "Sec.," to strike out "35" and insert "34;"

On page 12, line 7, after "Sec.," to strike out "35a" and insert "35;"

On page 13, line 1, after "Sec.," to strike out "35b" and insert "36;"

On page 13, line 15, after "Sec.," to strike out "35c" and insert "37;"

On page 14, line 3, after "Sec.," to strike out "35d" and insert "38;" and

On page 14, line 13, after the word "section," to strike out "33" and insert "32."

The amendment was agreed to.

The next amendment was, on page 14, after line 13, to insert:

Change the number of section 36 to 39.

Change the number of section 37 to 40.

Change the number of section 38 to 41.

Change the number of section 39 to 42.

Change the number of section 40 to 43.

Change the number of section 41 to 44.

Change the number of section 42 to 45.

Change the number of section 43 to 46.

Change the number of section 44 to 47.

Change the number of section 45 to 48.

Change the number of section 46 to 49.

Change the number of section 47 to 50.

Change the number of section 48 to 51.

Change the number of section 49 to 52.

The amendment was agreed to.

The next amendment was, on page 15, line 5, after "Sec.," to strike out "49a" and insert "53;" and in line 13, after the word

"officer," to strike out "below the grade of major," so as to read:

Following section 49 insert the following additional section:

"Sec. 53. That whenever the National Guard of the District of Columbia shall be ordered to duty in case of riot, tumult, breach of the peace, or whenever called in aid of the civil authorities, all enlisted men who do duty shall be paid at the rate equivalent to two times the pay of enlisted men of the Regular Army of like grade. Commissioned officers who do duty shall be entitled to and shall receive the same pay and allowances as commissioned officers of like grade of the Regular Army. Each mounted officer and enlisted man shall be paid a reasonable per diem compensation for each horse actually furnished and used by him: *Provided*, That when the National Guard of the District of Columbia is called into the actual service of the United States the officers and enlisted men shall, during their time of service, be entitled to the same pay and allowances as are or may be provided by law for the Regular Army."

The amendment was agreed to.

The next amendment was, on page 15, line 23, after "Sec.," to strike out "50" and insert "54;" and on page 16, line 1, after the word "court," to insert "and;" in the same line, after the word "inquiry," to strike out "and battalion courts;" and in line 2, after the word "now," to insert "or hereafter," so as to read:

Strike out the whole of section 50 and insert in lieu thereof the following sections:

"Sec. 54. That the military courts of the District of Columbia shall be: General courts-martial, garrison courts-martial, the summary court, and courts of inquiry, as now or hereafter provided by law."

The amendment was agreed to.

The next amendment was, on page 16, line 3, after "Sec.," to strike out "50a" and insert "55."

The amendment was agreed to.

The next amendment was, on page 16, after line 12, to insert: Change number of section 51 to "56."

The amendment was agreed to.

The next amendment was, on page 16, after line 13, to strike out:

Following section 54 insert the following additional sections:

"Sec. 54a. That the constitution and jurisdiction of courts-martial, the form and manner in which the proceedings of military courts shall be conducted and reported, and the forms of oaths and affirmations taken in the administration of military law by such courts, the limits of punishment and the proceedings in revisions shall be governed by the Articles of War and the law and procedure of the courts-martial of the United States."

The amendment was agreed to.

The next amendment was, on page 16, after line 23, to insert: After section 51 insert the following additional sections:

The amendment was agreed to.

The next amendment was, on page 17, line 1, after "Sec.," to strike out "54a" and insert "57;" and in the same line, after "57," to insert:

That the constitution and jurisdiction of military courts, the form and manner in which their proceedings shall be conducted and reported, and the forms of oaths and affirmations taken in the administration of military law by such courts, the limits of punishment and the proceedings in revision shall be governed by the Articles of War and the law and procedure of the military courts of the United States.

The amendment was agreed to.

The next amendment was, on page 17, line 9, after "Sec.," strike out "54b" and insert "58;" and in line 15, after the word "court," to insert "nor shall any officer or enlisted man be liable to civil or criminal prosecution for any act done while in the discharge of his military duty," so as to read:

Sec. 58. That no action or proceeding shall be prosecuted or maintained against a member of a military court, or officer or person acting under its authority or reviewing its proceedings on account of the approval or imposition or execution of any sentence, or the imposition or collection of fine or penalty, or the execution of any warrant, writ, execution, process, or mandate of a military court, nor shall any officer or enlisted man be liable to civil or criminal prosecution for any act done while in the discharge of his military duty.

The amendment was agreed to.

The next amendment was, on page 17, line 18, after "Sec.," to strike out "54c" and insert "59;" on page 17, line 22, after "Sec.," to strike out "54d" and insert "60;" on page 18, line 20, after "Sec.," to strike out "54e" and insert "61;" and on page 18, line 24, after "Sec.," to strike out "54f" and insert "62."

The amendment was agreed to.



The next amendment was, on page 19, after line 12, to insert:

Strike out all of sections 52, 53, and 54.

Change number of section 55 to 63.

Change the number of section 56 to 64, and amend it to read as follows:

"Sec. 64. That during the annual encampment, and on every duty on parade ordered by the commanding general, there shall be allowed and paid for each day of service: To each member of the regularly enlisted bands, \$4; to the chief musicians, \$8; and to the principal musicians, \$6. In event there is no enlisted band or field music, or not a sufficient number of either, the commanding general may authorize the employment of such as he may deem necessary for the occasion: *Provided*, That the total pay of enlisted musicians shall not in any event exceed the rates authorized by this section."

Change the number of section 57 to 65.

Strike out all of section 58, and insert in lieu thereof the following:

"Sec. 66. That the commanding general shall annually transmit to the Commissioners of the District of Columbia an estimate of the amount of money required for the next ensuing fiscal year to pay the expenses authorized by this act, and the said Commissioners shall include the same in their annual estimates of appropriations for the District; and all money appropriated to pay the expenses authorized by this act shall be disbursed in accordance with law."

Change the number of section 59 to 67.

Change the number of section 60 to 68.

Change the number of section 61 to 69.

Change the number of section 62 to 70.

Change the number of section 63 to 71.

Mr. SUTHERLAND. I observe in this section and in a number of others the provision is to "strike out all of section 58," and so on. It seems to me that that language would be appropriate if we were undertaking to amend a pending bill, but it does not seem to me to be appropriate when the evident intention is to repeal an existing law. It appears to me that the language in all those instances should be that sections so and so are hereby repealed.

Mr. HEMENWAY. I think we are following here the custom in amending sections of existing law. The law we are amending applies to nothing but the District of Columbia, and the bill is as nearly as possible in the form of bills passed by the various States to comply with the Dick law as amended.

Mr. SUTHERLAND. The point I make is that the language is not appropriate. To say that a certain section of existing law is hereby stricken out is not appropriate language to use when the intention is to repeal the law.

Mr. HEMENWAY. We are not repealing the law as a whole; we are only repealing certain sections of the law.

Mr. SUTHERLAND. I understand; but the effect would be the same. We are repealing section so and so of the law, and that is an entire section.

Mr. HEMENWAY. The effect is exactly the same.

Mr. GALLINGER. We are amending the act.

Mr. HEMENWAY. We are amending the act, and the effect would be the same.

Mr. SUTHERLAND. It occurs to me that the language is entirely inappropriate. I merely call attention to it.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 20, line 23, after "Sec.," to strike out "64" and insert "72;" and on page 21, line 15, after "Sec.," to strike out "64a" and insert "73."

The amendment was agreed to.

The next amendment was, on page 21, line 18, after "Sec.," to strike out "65" and insert "74;" and in line 21, after the word "three," to insert "as amended," so as to read:

SEC. 74. That whenever the words "State or Territory" are used in the "Act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903, as amended, they shall be held to apply to and include the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 21, line 23, after "Sec.," to strike out "66" and insert "75;" and in line 24, after the words "held to," to strike out "change or otherwise interfere with the dates of existing commissions of officers of the National Guard of the District of Columbia or with the" and insert "alter the status or," so as to read:

SEC. 75. That nothing herein contained shall be held to alter the status or organization of the naval battalion as now provided for by law.

The amendment was agreed to.

The next amendment was, on page 22, after line 2, to insert:

SEC. 76. That any commission issued under the provisions of this act shall, where the rank remains unchanged, bear the date of the commission now held; and that any officer who has served continuously in the same grade may be recommissioned with rank from date of his original commission to that grade.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### REGISTERS OF LAND OFFICES.

The bill (S. 6986) for the relief of registers and former registers of the United States land offices was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, on page 2, line 9, after the words "And provided further," to strike out—

That the sums so refunded shall not exceed the amount authorized in each case to be paid as salary to such receiver.

And to insert:

That said refund shall be made of only such fees which have not entered into the compensation paid to such registers out of the appropriation for salaries and commissions of registers and receivers for any fiscal year.

So as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund, out of any money in the Treasury not otherwise appropriated, to registers and former registers of United States land offices money earned by them for issuing notices of the cancellation of entries subsequent to July 26, 1892, which money, under the instructions of the Secretary of the Interior, they were erroneously required to deposit in the United States Treasury, contrary to the provisions of the act approved July 26, 1892: *Provided*, That such refund shall be made only of money deposited subsequent to the approval of the act of July 26, 1892, and shall be made upon accounts stated and certified by the Secretary of the Interior: *And provided further*, That said refund shall be made of only such fees which have not entered into the compensation paid to such registers out of the appropriation for salaries and commissions of registers and receivers for any fiscal year.

Mr. KEAN. Mr. President, when that bill was up the other day I objected to it because there was no statement of the amount that would be required to pay these fees. The Senator from Minnesota [Mr. CLAPP], I understand, has a statement giving the amount. I should like, before the bill is acted upon, to have him give it to the Senate.

Mr. CLAPP. Mr. President, I have a copy of a letter addressed to the chairman of the Committee on Claims [Mr. FULTON] by the Secretary of the Interior, in which he gives a list of names and the amount which is to be paid to each. I have footed it up, and the amount is \$7,732.11. I ask that the letter of the Secretary be inserted in the Record at this point.

The VICE-PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

DECEMBER 5, 1908.

Hon. C. W. FULTON,  
Chairman Committee on Claims,  
United States Senate.

SIR: In compliance with your request of June 6 last, to be advised as to the amounts involved in each of certain bills introduced at the last session for the purpose of refunding to registers of United States land offices "cancellation fees" collected under the act of July 26, 1892 (27 Stat. L., 270), I have the honor to report that the records of this department show that the registers named in the respective bills would receive, upon the passage of the bills, the amounts indicated in the attached table.

Very respectfully,

JAMES RUDOLPH GARFIELD,  
Secretary.

Senate bill.	Name of register.	Cancellation fees not paid to registers.
7236	H. F. Millikan	\$459.00
7239	C. C. Schuyler	154.11
7240	Alexander C. McGilivray	426.00
7241	Ole Serungard	1,257.00
7242	Lee Stover	223.00
7243	Marshall H. Jewell	2,515.00
7244	Alfred H. Boles	65.00
7245	John J. Boles	142.00
7246	Emory D. Brownlee	907.00
7247	R. A. Cameron	307.00
7248	A. R. Museller	274.24
7249	E. G. Spillman	126.00
7250	Frank M. Swasey	3.00
7251	Frank G. Prescott	80.00
7252	J. B. West	37.00
7253	Harry J. Syms	262.00
7255	Edward P. Tremper	42.00
7256	Matthew B. Malloy	583.00
Total		7,732.11

Mr. KEAN. I ask that the report of the committee be published, with the letter submitted by the Senator from Minnesota.

The VICE-PRESIDENT. Without objection, it is so ordered.

The report referred to, submitted by Mr. CLAPP on January 25, 1909, is as follows:

The Committee on Claims, to whom was referred the foregoing bill, having examined the same, recommend its passage with an amendment.

After the word "Interior," on line 6 of page 2, insert the following: "And provided further, That said refund shall be made of only such fees which have not entered into the compensation paid to such registers out of the appropriation for salaries and commissions of registers and receivers for any fiscal year."

The object of the bill is to refund to registers and former registers of United States land offices the fee of \$1 collected by them from successful contestants on homestead land entries for issuing a notice of the cancellation of the entry.

The act approved May 14, 1880, provided that that fee should not be reported by the register to the United States, and they were allowed to retain it as a personal fee.

The act approved August 4, 1886, changed the law and required that all fees earned by the registers should be reported to the Treasury, which requirement was complied with.

The act of Congress approved July 26, 1892 (27 Stat. L., 270), restored the provisions of the act of 1880 and provided that that particular fee need not be reported to the United States.

Notwithstanding the provisions of that latter act, the Interior Department, through its agents, demanded that all fees earned by the registers should be reported to the United States and covered into the Treasury, which was done.

The Secretary now reports that that fee should have been retained by the registers as personal, and the requirement that such fees be reported to the Government was not warranted.

In support of the foregoing bill your committee beg leave to refer to the annexed letters.

DEPARTMENT OF THE INTERIOR,  
December 31, 1908.

\* \* \* The question now at issue is whether section 2 of the act of May 14, 1880, supra, as amended by the act of July 26, 1892, is correctly interpreted in the case of *Cunningham v. Langley*, paragraph 9, above, and in the circular of May 16, 1907, paragraph 10, above, or whether the proviso in section 2 of the act of March 3, 1887, that the register shall be entitled to a fee of \$1 for giving notice of cancellation, to be paid by the contestant and "not to be reported," means that said fee is to be reported, under the prior legislation set forth in paragraph 4, above, and the prior regulations cited under paragraph 8, above.

I am of the opinion that the words "not to be reported" embodied in section 2 of the act of July 26, 1892, are capable of only one meaning, which can not be more clearly expressed than in the words themselves; that the registers' cancellation fees should not have been reported subsequent to the month of July, 1892, and that provision should be made for payment to Theodore Bruener of \$19 cancellation fees earned by him but not paid to him.

I would suggest, however, that instead of introducing a multiplicity of private bills for the relief of registers and ex-registers, Senate bill No. 6986, for the relief of registers and former registers of the United States land offices, introduced by Senator Clapp and referred to the Committee on Claims May 5, 1908, be acted upon. Senate bill 6986 would afford relief to Theodore Bruener and to all registers and ex-registers who have similar claims. \* \* \*

JAMES RUDOLPH GARFIELD,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
Washington, D. C., May 7, 1908.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed papers are true copies of the originals as the same appear of record in this department.

In testimony whereof I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed the day and year first above written.

[SEAL.]

FRANK PIERCE,  
First Assistant Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,  
Washington, February 13, 1908.

SIRS: In reply to your request of the 23d instant I have the honor to report on the amendment intended to be proposed by Senator KITTREDGE to the bill (H. R. ) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, as follows:

Senator KITTREDGE's proposed amendment seems to be predicated upon departmental instructions addressed to registers and receivers at United States district land offices on May 16, 1907, and now in force, to wit:

"Paragraph 11. The register's fee for notice of the cancellation of an entry, provided by the act of May 14, 1880 (21 Stat. L., 140), amended by the act of July 26, 1892 (27 Stat. L., 270), shall not be demanded at the time a contest is initiated nor until the entry is canceled and notice thereof given to the successful contestant. The register will collect this fee at the proper time and retain the same as personal. Deposits on account of register's fee for notice of cancellation now reported in the account of unearned fees and unofficial moneys shall, if possible, be returned to the parties who deposited the same, the receiver securing proper voucher therefor."

The feature of said paragraph 11 of importance herein is that the register was directed to collect and retain the fee of \$1 for giving notice of the cancellation of an entry; whereas prior to the instructions above quoted and under departmental instructions of March 15, 1887 (5 L. D., 577), the receiver was directed to collect the register's cancellation fee and to deposit the same to the credit of the Treasurer of the United States pursuant to section 2240, United States Revised Statutes, and acts of August 4, 1886 (29 Stat. L., 239), and March 3, 1887 (24 Stat. L., 526).

The last-mentioned instructions apparently had the support of law until the passage of the act of July 26, 1892 (27 Stat., 270), amending section 2 of the act of May 14, 1880 (21 Stat., 140), to read:

"SEC. 2. In all cases where any person has contested, paid the land-office fee, and procured the cancellation of any preemption homestead, or timber-culture entry, he shall be notified by the register of the land office of the district in which such land is situated of such cancellation, and shall be allowed thirty days from date of such notice to enter said lands: *Provided*, That said register shall be entitled to a fee of \$1 for the giving of such notice, to be paid by the contestant, and not to be reported."

Assuming that the basis of paragraph 11 of the circular of May 16, 1907, is correct, to wit, that the proviso, cited above, in the act of July 26, 1892, places the register's cancellation fee without the pale of section 2240, Revised Statutes, and acts making appropriations for salaries and commissions of registers and receivers, by force of the express direction that the cancellation fee is "not to be reported," it follows that such fees ought not to have been reported subsequent to the act of July 26, 1892, and that registers are equitably entitled to such cancellation fees as have been covered into the Treasury since July 26, 1892, and which have not entered into their compensation or been paid to them since that date under the appropriations for salaries and commissions of registers and receivers.

It should be noted that cancellation fees have been paid to the registers from the appropriations for salaries and commissions of registers and receivers in all instances where their earnings, including cancellation fees, have been less than the maximum of \$3,000 per year, specified in section 2240, Revised Statutes.

I therefore recommend that Senator KITTREDGE's proposed amendment be amended in the following particulars:

1. By limiting its application to cancellation fees earned subsequent to July 26, 1892.

2. By limiting the reimbursement to registers to such cancellation fees as have been deposited in the Treasury and have not entered into the compensation paid to them under appropriations for salaries and commissions.

Both of the above suggestions may be incorporated in Senator KITTREDGE's amendment by inserting therein after the word "Treasury," on line 10, the following: "subsequent to July 26, 1892, and which have not entered into the compensation paid to such registers out of the appropriation for salaries and commissions of registers and receivers for any fiscal year, \$100,000."

I may add that several claims for cancellation fees earned by registers and covered into the Treasury are now pending before the Court of Claims.

Respectfully submitted.

FRANK PIERCE,  
Acting Secretary.

COMMITTEE ON PUBLIC LANDS,  
United States Senate.

DEPARTMENT OF THE INTERIOR,  
Washington, February 13, 1908.

SIR: I am in receipt of your letter of the 8th instant in which you call attention to Senator KITTREDGE's proposed amendment to the bill making appropriation for sundry civil expenses:

"To reimburse registers of United States land offices for the amount of all fees for notices of cancellation authorized to be paid by them by the act entitled 'An act to amend section 2 of an act approved May 14, 1880, being an act for the relief of settlers on public lands,' approved June 26, 1892, but which, pursuant to instructions of the Department of the Interior, prior to May 6, 1907, were collected by receivers of public moneys and deposited in the Treasury, ——— dollars."

You ask if further amendment will be necessary to authorize reimbursement to former registers, and in reply I beg to suggest that from the language of his amendment it seems to have been the intention of Senator KITTREDGE to extend relief to former registers as well as to those now in office, and in my judgment his amendment is susceptible of such an interpretation, but if there is doubt on the subject the effect of the bill may be made certain by adding the words "and former registers," after the word "register," in line 1 of the proposed amendment. Please notice my report to the Senate committee on Mr. KITTREDGE's amendment.

Very respectfully,

FRANK PIERCE,  
Acting Secretary.

Hon. T. P. GORE,  
United States Senate.

DEPARTMENT OF THE INTERIOR,  
Washington, D. C., April 29, 1908.

SIR: Replying to your letter of the 24th instant, in which you state that the proposed legislation having for its object the payment to registers of United States land offices of certain fees for giving notices of the cancellation of entries is now before the Appropriation Committee of the House of Representatives, and asking for full information as to the practice of this department in regard to the disposition of such fees under the several acts approved August 4, 1886; March 3, 1887 (24 Stat., 239 and 526); and July 26, 1892 (27 Stat., 270), I have the honor to advise you as follows:

On March 15, 1887 (5 L. D., 577), a circular was issued citing the acts of August 4, 1886, and March 3, 1887 (supra), in which registers were instructed that—

"The fee of \$1 authorized to be returned by the register for giving notice of the cancellation of an entry, as provided by the act of May 14, 1880 (21 Stat., 140), will be paid to the receiver, who will deposit it with other fees when the entry is canceled and the notice given."

"Registers of land offices have no right officially to receive any moneys whatever, except such as are paid to them by receivers as salary, fees, and commissions."

The act of July 26, 1892 (27 Stat., 270), amending section 2 of the act of May 14, 1880, contains the proviso "that said register shall be entitled to a fee of \$1 for the giving of such notice, to be paid by the contestant and not to be reported."

In the case of *Cunningham v. Longley* (18 L. D., 76), decided on February 12, 1894, the department held that—

"The proviso to the second section of the act of May 14, 1880, entitled him (the register) 'to a fee of \$1 for the giving of such notice, to be paid by the contestant and not to be reported,' while this department will, in proper cases, exact its payment, neither the Government nor the contestee has any interest therein. It is a matter personal to the register, and he alone has standing to complain of its non-payment."

Notwithstanding the proviso in the act of July 26, 1892, that said fee was "not to be reported," that is, to be accounted for, and the decision just cited, the circular of March 15, 1887, remained in full force and effect until the issuance of the circular of May 16, 1907 (35 L. D., 568), since which date the register has been authorized to collect the cancellation fee "and retain the same as personal."

From March 15, 1887, to May 16, 1907, it was held that the register should not be paid any fees that would increase his compensation to over \$3,000 per annum. This holding was correct until the passage of the act of July 26, 1892, which act is independent of the act making appropriation for salaries and commissions of registers and receivers, this latter act providing only that they should each be paid no more than \$3,000 from that appropriation, and not interdicting the payment of moneys by settlers to the register for notices of the cancellation of entries, which construction of said acts required the issuance of paragraph 11 of the circular of May 16, 1907.

Very respectfully,

FRANK PIERCE,  
First Assistant Secretary.

Hon. BIRD MCGUIRE,  
House of Representatives.

DEPARTMENT OF THE INTERIOR,  
Washington, April 29, 1908.

SIR: Replying to your letter of the 24th instant, in which you state that the proposed amendment by Senator ALFRED B. KITTREDGE, having for its object the payment to registers of the United States land offices of certain fees for giving notices of the cancellation of entries, is now before the Appropriation Committee of the Senate, and asking for full information as to the practice of this department in regard to the disposition of such fees under the several acts approved August



4, 1886; March 3, 1887 (24 Stat., 239 and 526); and July 26, 1892 (27 Stat., 270). I have the honor to advise you as follows:

On March 13, 1887 (5 L. D., 577), a circular was issued citing the acts of August 4, 1886, and March 3, 1887 (supra), in which registers were instructed that—

"The fee of \$1, authorized to be retained by the register for giving notice of the cancellation of an entry, as provided by the act of May 14, 1880 (21 Stat., 140), will be paid to the receiver, who will deposit it with other fees when the entry is canceled and the notice given.

"Registers of land offices have no right officially to receive any moneys whatever, except such as are paid to them by receivers as salary, fees, and commissions."

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Notwithstanding the proviso in the act of July 26, 1892, that said fee was "not to be reported"—that is, to be accounted for—and the decision just cited, the circular of March 15, 1887, remained in full force and effect until the issuance of the circular of May 16, 1907 (35 L. D., 568), since which date the register had been authorized to collect the cancellation fee "and retain the same as personal."

From March 15, 1887, to May 16, 1907, it was held that the register should not be paid any fees that would increase his compensation to over \$3,000 per annum. This holding was correct until the passage of the act of July 26, 1892, which act is independent of the act making appropriation for salaries and commissions of registers and receivers, this latter act providing only that they should each be paid no more than \$3,000 from that appropriation and not interdicting the payment of moneys by settlers to the register for notices of the cancellation of entries, which construction of said acts required the issuance of paragraph 11 of the circular of May 16, 1907.

Very respectfully,

FRANK PIERCE,  
First Assistant Secretary.

Hon. H. M. TELLER,  
United States Senate.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### EXTENSION OF PROVISIONS OF CAREY ACT.

The bill (H. R. 26216) to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona, was considered as in Committee of the Whole. It proposes to extend to the Territories of Arizona and New Mexico all the provisions of section 4 of the act of Congress approved August 18, 1894, being chapter 301 to Supplement to Revised Statutes of the United States, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," and the amendments thereto, and such Territories upon complying with the provisions of the act shall be entitled to have and receive all of the benefits therein conferred upon the States.

Mr. KEAN. I ask the Senator from Wyoming kindly to make an explanation of what benefit the two Territories will receive by the passage of this bill.

Mr. CLARK of Wyoming. The benefit the Territories will receive will be the same benefit that the States in the arid regions now receive from the application of the Carey Act, so called, the best act that has ever been passed for the arid States. This bill provides for extending that act to the Territories named in the bill, which were inadvertently omitted from its original provisions.

Mr. KEAN. I hope they will remain Territories for some time to come.

Mr. HEYBURN. If the Senator from Wyoming has no further remarks to make—

Mr. CLARK of Wyoming. I have no remarks to make. I am merely answering a question.

Mr. HEYBURN. Mr. President, when this measure was before the Committee on Public Lands I stated that I would not oppose its consideration at any time, but that I reserved the right to make a statement to the Senate on the question of our power to do the things proposed to be done by his bill.

It is an important question. The Territories of Arizona and New Mexico have only temporary governments. They can make no laws, except subject to the approval of Congress, and while I am in thorough sympathy with the Carey Act and would like to see it extended to every portion of the United States where arid lands exist, yet I doubt the power of those Territories to take title as it is provided by the terms of the Carey Act the States shall take title.

But, Mr. President, inasmuch as in a very few minutes the Senate will be compelled to proceed to the Hall of the House

of Representatives to take up another matter in joint session with the House, I do not feel that I could make the statement that I desire to make with that fullness with which it should be made before the Senate votes upon this question. I do not ask that the bill go over. I only suggest, inasmuch as we have only six minutes before leaving this Hall, that the matter be retained for consideration. I am advised by the Senator from New Jersey [Mr. KEAN] that we only have one minute.

Mr. CLARK of Wyoming. I exceedingly regret that the Senator feels it necessary to oppose this measure. My purpose in pressing it at this time is simply because the legislature of New Mexico is now in session, and unless early action is taken on this bill no benefit can accrue to the Territories of Arizona and New Mexico under the bill until the next session of the legislature.

Mr. HEYBURN. It may be that the Senator is entirely right in the matter, and it may, and probably will, be that he will succeed in his wish for the favorable consideration of the bill; but I feel it my duty, before the Senate acts upon it, to make the statement that I want to make. The time is up now for further proceedings in this body. I will not ask that the bill go over, nor do I wish to delay it, but I simply desire to make a statement before it is passed.

Mr. CLARK of Wyoming. They have already received grants. They have taken the lands under the law and now hold them.

Mr. HEYBURN. I will stand ready to answer the suggestions of the Senator when we have time.

The VICE-PRESIDENT. What disposition does the Senator from Idaho desire made of the bill now under consideration? Does he desire that it go over?

Mr. HEYBURN. I presume everything will have to go over, Mr. President, without a motion. We have an order of business for this hour, and it is after the time for its execution now.

#### ESTATE OF JOHN H. HAMITER.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4024) for the relief of John H. Hamiter, which were in line 4, after the word "to," to insert "Allen H. Hamiter, administrator of the estate of;" in line 4, after the name "Hamiter," to insert the word "deceased," and to amend the title so as to read: "An act for the relief of Allen H. Hamiter, administrator of the estate of John H. Hamiter, deceased."

Mr. DAVIS. Mr. President, that is a bill that was introduced by my colleague [Mr. CLARKE of Arkansas]. As I understand all that is necessary is that the Senate concur in the House amendments, and I make that motion.

The VICE-PRESIDENT. The Senator from Arkansas moves that the Senate concur in the amendments of the House of Representatives.

Mr. KEAN. What is the bill?

The VICE-PRESIDENT. The title of the bill will be stated.

The SECRETARY. A bill (S. 4024) for the relief of John H. Hamiter.

Mr. DAVIS. It is a local bill.

Mr. KEAN. Is it a bill that has already passed the Senate?

Mr. DAVIS. It has passed the Senate and has passed the House with amendments.

The VICE-PRESIDENT. The question is on the motion of the Senator from Arkansas that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

#### COUNT OF ELECTORAL VOTES.

At 12 o'clock and 57 minutes p. m.,

The VICE-PRESIDENT. Senators, under the concurrent resolution providing for the count of the electoral votes for President and Vice-President of the United States, the Senate will now proceed to the Hall of the House of Representatives.

The Senate, preceded by the Vice-President, the Secretary, and the Acting Sergeant-at-Arms, thereupon proceeded to the Hall of the House of Representatives for the purpose of participating in the count of the electoral votes for President and Vice-President of the United States.

The Senate returned to its Chamber at 1 o'clock and 45 minutes p. m., and the Vice-President resumed the chair.

Mr. BURROWS, one of the tellers appointed on behalf of the Senate in pursuance of the concurrent resolution of the two Houses to ascertain the result of the election for President and Vice-President of the United States, said:

Mr. President, the tellers on the part of the Senate report to the Senate the following as the result of the ascertainment and counting of the electoral votes for President and Vice-President of the United States for the term beginning March 4, 1909, in order that the report may be entered upon the Journal of the Senate.

The VICE-PRESIDENT. The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 483, of which a majority is 242.

William Howard Taft, of the State of Ohio, has received for President of the United States 321 votes;

William Jennings Bryan, of the State of Nebraska, has received 162 votes.

The state of the vote for Vice-President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice-President of the United States is 483, of which a majority is 242.

James Schoolcraft Sherman, of the State of New York, has received 321 votes;

John Worth Kern, of the State of Indiana, has received 162 votes.

This announcement of the state of the vote by the President of the Senate shall be deemed a sufficient declaration of the persons elected President and Vice-President of the United States, each for the term beginning March 4, 1909, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

The report of the tellers as entered on the Journal is as follows:

The undersigned, JULIUS C. BURROWS and JOSEPH WELDON BAILEY, tellers on the part of the Senate, and JOSEPH H. GAINES and WILLIAM W. RUCKER, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice-President of the United States for the term beginning March 4, 1909:

Number of electoral votes to which each State is entitled.	States.	For President.		For Vice-President.	
		William Howard Taft, of Ohio.	William Jennings Bryan, of Nebraska.	James Schoolcraft Sherman, of New York.	John Worth Kern, of Indiana.
11	Alabama.....		11		11
9	Arkansas.....		9		9
10	California.....	10		10	
5	Colorado.....		5		5
7	Connecticut.....	7		7	
3	Delaware.....	3		3	
5	Florida.....		5		5
13	Georgia.....		13		13
3	Idaho.....	3		3	
27	Illinois.....	27		27	
15	Indiana.....	15		15	
13	Iowa.....	13		13	
10	Kansas.....	10		10	
13	Kentucky.....		13		13
9	Louisiana.....		9		9
6	Maine.....	6		6	
8	Maryland.....	2	6	2	6
16	Massachusetts.....	16		16	
14	Michigan.....	14		14	
11	Minnesota.....	11		11	
10	Mississippi.....		10		10
18	Missouri.....	18		18	
3	Montana.....	3		3	
8	Nebraska.....		8		8
3	Nevada.....		3		3
4	New Hampshire.....	4		4	
12	New Jersey.....	12		12	
39	New York.....	39		39	
12	North Carolina.....		12		12
4	North Dakota.....	4		4	
23	Ohio.....	23		23	
7	Oklahoma.....		7		7
4	Oregon.....	4		4	
34	Pennsylvania.....	34		34	
4	Rhode Island.....	4		4	
9	South Carolina.....		9		9
4	South Dakota.....	4		4	
12	Tennessee.....		12		12
18	Texas.....		18		18
3	Utah.....	3		3	
4	Vermont.....	4		4	
12	Virginia.....		12		12
5	Washington.....	5		5	
7	West Virginia.....	7		7	
13	Wisconsin.....	13		13	
3	Wyoming.....	3		3	
483	Total.....	321	162	321	162

J. C. BURROWS,  
J. W. BAILEY,  
*Tellers on the part of the Senate.*

JOSEPH H. GAINES,  
W. W. RUCKER,  
*Tellers on the part of the House of Representatives.*

#### EXTENSION OF PROVISIONS OF CAREY ACT.

Mr. KEAN. We were on the calendar under Rule VIII.

The VICE-PRESIDENT. The Senate will resume consideration of the bill which was under discussion at the time when the Senate left its Hall.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 26216) to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona.

Mr. HEYBURN. Mr. President, I am very loath to intrude this question upon the Senate at the present time, and did it not seem to me one of more than passing importance, I would let it go by.

The proposition is one of the power of Congress to do what it is proposed to do by this bill, and it seems to me it is a character of question that ought never to be waived, because if there is anything we must first consider in legislating it is our power to legislate.

Mr. President, the Carey Act provides that upon certain proceedings by a State the Government shall deed to the State lands to be taken up under the Carey Act. That act has been in operation for some years, and it is the very best public-land act, outside of the homestead law, ever enacted. I am in sympathy with it, and I should like to see it extended to the Territories, if I were sure we had the power to do it. But I do not think, after some investigation of the question, that a Territory is capable of receiving title from the Government of the United States under the provisions of the Carey Act.

The territorial government is a temporary government. It takes the use of public lands through the title of the United States and not through any title in itself. It is proposed to extend the provisions of the Carey Act to the Territories of New Mexico and Arizona; and I hope that those people will very speedily receive the benefit of that act, because I sincerely hope that they will soon be States, when they would need no further legislation of a serious character. But under what provision of law or the Constitution a Territory can receive the title to lands from the United States for the purpose of distribution I am unable to satisfy my mind. I think there is none.

I merely desired, and I thought it was my duty at this time, to call the attention of the Senate to it, and I regret that the luncheon hour has made the Senate so thin that only a few will perhaps be able to consider these questions at all when they vote upon the pending bill. But if we should proceed to enact this law, authorizing the Government of the United States, upon the application of a State to grant it certain lands under the provisions of the Carey Act and a Territory were to undertake to receive title as a State, in my judgment no title would pass, and we should be laying the foundation for a confusion in the law affecting the titles to those States. That we ought not to do. There is a sovereign power in the State under which it may hold title to land and may take a grant of land, but the Territories of New Mexico and Arizona have no final jurisdiction even to legislate. Legislation by the terms of the organic act of those Territories must be submitted to Congress under the limitations prescribed in the act.

I know of no instance, but I am told there are instances where we have granted lands to a Territory. However, I feel quite sure that there was no power to take the grant in the Territory, and that the title is still in the United States. I have had some experience, having lived in Territories for a number of years. We did not take a grant of title to the lands which the Government gave us for any purpose. They were merely set aside for our use.

Mr. CLARK of Wyoming. Will the Senator permit a question?

Mr. HEYBURN. Certainly; any number.

Mr. CLARK of Wyoming. In the time when the Senator lived in the Territory of Idaho, did the Territory take the title to land there?

Mr. HEYBURN. I think it did not take title to the land. I think the Government, in effect, set aside the land for its use.

Mr. CLARK of Wyoming. I am not speaking of the Government. My recollection is that the Territory of Idaho had numerous public institutions, its state capitol and other institutions. Did the Territory hold the title to the land upon which those institutions were erected?

Mr. HEYBURN. No; because it was necessary when we were admitted as a State to enact in the law title in the State.

Mr. CLARK of Wyoming. Exactly; title from the Territory into the State, but not from the original grantee.

Mr. HEYBURN. No; the initial admission act of the State which the Senator in part represents and the State which I in



part represent grants the land for school purposes, it grants the land for the capitol—

Mr. CLARK of Wyoming. The Senator evades my question.

Mr. HEYBURN. If the Senator will just give me a chance to go on, I will answer his question.

Mr. CLARK of Wyoming. I will.

Mr. HEYBURN. The lands upon which the territorial capitol stood, the lands upon which the penitentiary stood, and the insane asylum, and the State University had to come to the State through an act of Congress.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. KEAN. I ask the Senator from Montana if he desires specially to go on with this bill. There are a number of unobjectioned cases on the calendar that a great many Senators are interested in, and I think if we could run on with the calendar for a little while we could get through with a good deal of business. Of course I do not want to interfere with the unfinished business, because I know it has been laid aside rather unduly lately.

Mr. CARTER. I am quite anxious, of course, to see the calendar disposed of, but I have greater anxiety to see the unfinished business disposed of.

Mr. WARREN. Will the Senator yield to me to present a conference report on the legislative, executive, and judicial appropriation bill?

Mr. KEAN. Before the Senator presents the report, I will ask the Senator from Montana how long he thinks he would like to go on to-day with the unfinished business?

Mr. CARTER. I think we can dispose of all the amendments pending this afternoon, and I hope we shall vote at no very distant hour on the bill.

Mr. CLARK of Wyoming. Mr. President—

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Wyoming?

Mr. KEAN. Certainly.

Mr. CLARK of Wyoming. I simply want to impress upon the Senator from Montana the necessity of the passage of the pending bill very early if the bill is to be of any advantage to the Territories of Arizona and New Mexico. It is well known that the legislatures of those Territories are now in session and will soon adjourn. If the act is to be extended to those Territories, it will need legislative action before they can take advantage of it. I think we can get through with the bill in a short time.

Mr. TILLMAN. Mr. President, I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from South Carolina will state his parliamentary inquiry.

Mr. TILLMAN. The bill which was under consideration when the morning hour expired goes on the calendar?

The VICE-PRESIDENT. It is now on the calendar.

Mr. TILLMAN. Therefore it can not come up again unless it is called up by unanimous consent or is reached in its order?

The VICE-PRESIDENT. Or by motion.

Mr. TILLMAN. It goes to the foot of the calendar, then?

The VICE-PRESIDENT. No; it retains its place on the calendar.

Mr. TILLMAN. I was going to say that if the unfinished business is not to be considered and there is a proposal to further discuss this measure, noting that none of the Senators on this side who belong to the Public Lands Committee are in their places, I want to object to its further consideration, because it seems to me there are questions involved here of some moment, as to whether a Territory can properly enter upon obligations and perform the necessary acts to protect the public domain. Therefore, unless that bill is to be laid aside, I shall object to its further consideration.

The VICE-PRESIDENT. The consideration of the bill ceased at 2 o'clock.

Mr. TILLMAN. That is what I wanted to find out. There was some discussion as to whether the unfinished business would be laid aside and the consideration of that bill resumed.

The VICE-PRESIDENT. Under the rule its consideration is not carried beyond the hour of 2 o'clock.

#### LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CARTER. The conference report which the Senator from Wyoming [Mr. WARREN] desires to present is a privileged matter, and I yield to him for that purpose.

Mr. WARREN. I desire before the report is read to say that

it is a report of a partial agreement, and I will state the condition.

The Senate added to the bill \$664,224 in 210 items, and the amount of the bill as passed by the Senate was \$32,326,984.

The net amount reduced in conference so far is \$16,440. The amount in disagreement is \$322,000 in 24 items, which includes the salaries of the President, Vice-President, and Speaker, and the \$5,000 allowance for horses and carriages for Vice-President and salaries of judges of the various courts.

Other than the items mentioned the conference report is a complete agreement. There were 210 items in disagreement.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 28, 39, 40, 83, 84, 95, 99, 102, 105, 106, 109, 112, 113, 114, 131, 132, 133, 175, 176, 177, 179, 180, 181, and 189.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42, 44, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 68, 69, 70, 71, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 96, 97, 98, 101, 103, 104, 107, 110, 111, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 134, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 158, 159, 160, 162, 163, 164, 165, 166, 167, 168, 171, 172, 173, 174, 178, 183, 184, 185, 186, 187, 188, 190, 191, and 208, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "hire of horse and wagon for the Secretary's office, four hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighty thousand four hundred and thirty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and forty-four thousand nine hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and sixty-seven thousand seven hundred and forty-four dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: At the end of said amendment, after the word "dollars," insert the following: "or so much thereof as may be necessary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter inserted by said Senate amendment insert the following:

"Index to the Statutes at Large: For continuing the preparation of an index to the Statutes at Large of the United States, ten thousand dollars, to be expended by the Librarian of Congress for the salaries of the persons whom he employs to prepare the index and for incidental expenses; the scope, classification, and style of the index to be such as the Judiciary Committees of the two Houses of Congress shall direct or approve." And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: At the end of said amendment, after the word "dollars," insert the following: "to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: At the end of said amendment, after the word "dollars," insert "to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: At the end of said amendment, after

the word "State," insert the following "," said provisions and appropriations for private secretary, and clerk to the Secretary of State, private secretary to the Undersecretary of State, and clerk to the Undersecretary of State, to be immediately effective and available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "Messenger to the Secretary of State, one thousand dollars, to be appointed by the Secretary of State, to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "Chief clerk, \$2,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$40,980;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$70,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "one clerk of class four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert the following: "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$61,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$66,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In lieu of the number proposed insert "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "Four copyists of maps, at nine hundred dollars each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$8,000;" and the Senate agree to the same.

On amendments numbered 43, 46, 60, 61, 62, 63, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 209, and 210 the committee of conference have been unable to agree.

F. E. WARREN,  
J. A. HEMENWAY,  
H. M. TELLER,

*Managers on the part of the Senate.*

HENRY H. BINGHAM,  
F. H. GILLET,  
L. F. LIVINGSTON,

*Managers on the part of the House.*

The report was agreed to.

MR. WARREN. I move that the Senate still further insist upon its amendments in disagreement and ask for a further conference with the House, and that the Vice-President appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice-President appointed MR. WARREN, MR. HEMENWAY, and MR. TELLER the conferees on the part of the Senate.

#### CITIZENSHIP OF NAVAL DESERTERS—VETO MESSAGE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, on motion of MR. HALE (S. Doc. No. 708), was, with

the accompanying papers, referred to the Committee on Naval Affairs and ordered to be printed.

#### To the Senate:

I return herewith without approval S. 5473, an act amending section 1998 of the Revised Statutes of the United States and to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service, and I inclose the adverse reports of the Secretaries of War and the Navy and the Attorney-General. The reasons set forth in these three reports seem to me conclusive. A previous Secretary of the Navy has recommended that in the case of deserters from the naval service the Secretary of the Navy shall be given power to mitigate or remit the loss of the rights of citizenship where the offense was committed in time of peace, and where the exercise of such clemency will not be prejudicial to the public interest. With the purpose of this recommendation I entirely agree, but my attention has been called to the fact that under the decision of the Supreme Court in *re Garland*, *Fourth Wallace*, it is a matter of grave doubt whether legislation vesting a portion of the pardoning power in any officer or department of the Government except the President is warranted under the Constitution, the language of the Supreme Court being such as to make it at least doubtful whether this pardoning power can be given to any other official, can be added to or subtracted from, or can be rendered subject to legislative control. In view of this decision the power to pardon, or to remit or mitigate the loss of rights of citizenship, which is of the nature of a pardon, can only be exercised by the President.

But aside from this, the bill is gravely defective and goes far beyond what the Secretary of the Navy recommended. The language is confused and conflicting, so that the exact meaning of the proposed act is not plain. But in the first place it is clear that while it provides for the abolition of the penalty of loss of citizenship in regard to deserters both from the Army and the Navy, yet, curiously enough, it only specifies the Secretary of the Navy and not the Secretary of War as having power to mitigate or remit the penalty in question. This alone would render it in the highest degree inadvisable to sign the bill, for of course it can not have been the intention of Congress to make a one-sided discrimination of an entirely illogical kind between the Army and the Navy in this matter. But in addition it seems probable that the discretion of the Secretary of the Navy to pardon offenders, which was what the previous Secretary of the Navy asked for, is only extended to offenses that have already been committed. As to offenses hereafter committed, while the language of the bill is sufficiently confusing to make it a little difficult to say with certainty what it means, it appears probable that it means that hereafter there shall be no loss of citizenship in any case where a man deserts from the Army or Navy in time of peace, and this no matter how heinous his offense. Such a provision would work grave wrong; for, if enacted into law it would seriously embarrass the discipline of the military and naval services, and would completely mislead public opinion as to the grave moral obliquity involved in the crime of desertion. Desertions from the Army and Navy are already a crying evil; in very many cases the crime is committed under circumstances which show deliberate intention and hardened indifference to the interests of the country. It appears therefore that the present bill would actually encourage hardened offenders to commit a heinous crime against the flag and the Nation, and as regards future cases would refuse to permit discrimination between such offenders and those whose offense is committed under circumstances which so mitigate it as to make it comparatively venial and really amounting to not much more than absence without leave; while in addition, as already pointed out, it discriminates in most curious fashion and probably quite unintentionally between what is required in cases which arise in the Navy and what is required in cases which arise in the Army.

There would be no objection to the proposed act if it were drawn up as recommended by the then Secretary of the Navy a year ago, and if the pardoning power were lodged in the President, who could then exercise it both as regards the Army and the Navy. The bill would then read as follows:

That every person who hereafter deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States, with intent to avoid any draft into the military or naval service, lawfully ordered, shall be liable to all the penalties and forfeitures of section nineteen hundred and ninety-six: *Provided*, That the loss of rights of citizenship imposed by law upon deserters from the military or naval service may be mitigated or remitted by the President where the offense was committed in time of



peace and where the exercise of such clemency will not be prejudicial to the public interests.

THEODORE ROOSEVELT.

THE WHITE HOUSE, February 10, 1909.

# EXTENSION OF PROVISIONS OF CAREY ACT.

Mr. FORAKER. I ask unanimous consent for the present consideration—

Mr. CARTER. I call for the regular order, Mr. President.

The VICE-PRESIDENT. The Senator from Montana demands the regular order, which is the unfinished business.

Mr. CARTER. Mr. President, the Senator from Wyoming [Mr. CLARK] advises me that the bill which was under consideration at the hour of 2 o'clock can be disposed of within five minutes. In order that a vote may be taken on the bill which has been discussed, I ask unanimous consent that the unfinished business be laid aside for five minutes, in order to permit the Senator to have the bill disposed of.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Montana [Mr. CARTER] that the unfinished business be laid aside for five minutes?

Mr. HEYBURN. Mr. President, I withdraw any objection that I may have made to the passage of the bill referred to by the Senator from Wyoming.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Montana [Mr. CARTER]? The Chair hears none, and it is agreed to.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 26216) to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. The bill is before the Senate, as in Committee of the Whole.

Mr. TILLMAN. Is that the bill to which I objected a short time ago?

The VICE-PRESIDENT. It is the bill to which the Senator from South Carolina objected.

Mr. TILLMAN. I know nothing about the merits of the bill, but I know Senators on this side of the Chamber who belong to the committee from which it is reported, who are not now here, and the bill can just as well go over until to-morrow.

Mr. CLARK of Wyoming. Will the Senator allow me a moment?

Mr. TILLMAN. Why not let the bill go over until to-morrow?

Mr. CLARK of Wyoming. The difficulty of letting it go over until to-morrow, if the Senator please, is that if it goes over until to-morrow it will probably go over day after day. It is simply a bill for the benefit of the Territories of Arizona and New Mexico.

Mr. TILLMAN. I understand that—that is, on its face.

Mr. CLARK of Wyoming. That is the truth.

Mr. TILLMAN. I do not know that, and I should prefer that some of the Senators on this side of the Chamber who belong to the Committee on Public Lands should be here and tell us so, not that I dispute the Senator's good faith or honesty of purpose or anything of that sort; but one of the Senators on the other side of the Chamber has expressed a doubt as to whether or not a Territory can occupy the place of a State under the Carey Act. That being the case, I should think the Senator could very well let this matter go over until to-morrow.

Mr. NELSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Minnesota?

Mr. TILLMAN. With pleasure.

Mr. NELSON. Mr. President, when this measure was before the Committee on Public Lands nearly all the members of the committee were present, both Republicans and Democrats, and the only objection made to the bill came from the Senator from Idaho [Mr. HEYBURN]. All of the committee, except that Senator, were entirely unanimous. There is no question about the bill.

Mr. TILLMAN. Then it is just as easy to wait until to-morrow and let them say so.

Mr. CLARK of Wyoming. I want to remind the Senator from South Carolina that, in order to make this bill effective for the benefit of these Territories, it must be passed at an early date.

Mr. TILLMAN. I hope it will be effective for the States; and there is some proposition here to make them States, if not at this session, then at the next session. But this bill must wait until to-morrow if my objection can carry it over.

Mr. CLARK of Wyoming. The Senator's objection will certainly carry it over.

Mr. TILLMAN. Then I certainly shall object, though I think I have the interest of the people of New Mexico and Arizona at heart as much as any one in this Chamber.

The VICE-PRESIDENT. Objection is made to the further consideration of the bill.

Mr. CARTER. I call for the regular order, Mr. President.

# POSTAL SAVINGS BANKS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

The VICE-PRESIDENT. The pending question is on the amendment proposed by the Senator from Iowa [Mr. CUMMINS].

Mr. CARTER. On that amendment I call for a division. We perceive that the amendment proposes to strike out section 10 and to substitute a new section for section 11.

The VICE-PRESIDENT. The Senator from Montana demands a division of the amendment.

Mr. McCUMBER. Before we have a division, I want to know what the amendment is, and I should like to have it again read.

The VICE-PRESIDENT. The amendment will be again stated, at the request of the Senator from North Dakota.

The SECRETARY. The proposed amendment is as follows:

Strike out section 10.

Strike out section 11 and substitute therefor the following:

SEC. 10. That the Postmaster-General shall, as herein provided, deposit postal savings depository funds received at the post-office in any city, town, or village in the bank or banks organized under the national law or a state or territorial law and doing business in such city, town, or village, ratably according to their capital; and if in any such city, town, or village there be no such bank, or if the funds have been received at a post-office not within a city, town, or village, then in the nearest bank or banks in the State or Territory: *Provided, however,* That no depository funds shall be deposited in any bank organized under a state or territorial law unless the laws of the State or Territory in which it is located require public supervision and examination: *And provided further,* That such examination shows the bank to be solvent not only as to creditors, but with unimpaired capital.

Before a deposit is made in any bank as above authorized the bank shall agree to pay interest thereon computed upon the daily balance at the rate of not less than 2½ per cent per annum. Each bank receiving deposits under the authority of this act shall from time to time give such suitable bond or bonds, with surety or sureties to be approved by the Postmaster-General, as will indemnify the Government against loss. If the banks herein described as the banks in which the funds are to be deposited refuse to accept a deposit or deposits upon the terms and conditions above prescribed, then and in such case the Postmaster-General may use any bank designated by him and complying with said terms and conditions for such deposit or deposits; or he may invest the same in state, territorial, county, or municipal bonds to be selected by him with the approval of the Secretary of the Treasury and the Attorney-General. Interest and profits shall be applied first to the payment of interest accruing to depositors in postal savings depositories as hereinbefore provided, and the excess thereof, if any, shall be covered into the Treasury as part of the postal revenues. For the purposes of this act the word "Territory" as used herein shall be held to include the District of Columbia, the district of Alaska, and Porto Rico.

Strike out the figures "12" in line 15 on page 7 and substitute the figures "11."

Strike out the figures "13" in line 25 on page 7 and substitute the figures "12."

Strike out the figures "14" in line 9 on page 8 and substitute the figures "13."

Strike out the figures "15" in line 21 on page 8 and substitute the figures "14."

Strike out the figures "16" in line 8 on page 9 and substitute the figures "15."

Strike out the figures "17" in line 1 on page 10 and substitute the figures "16."

Mr. TELLER. Mr. President, I should like to inquire if the amendment has been printed.

The VICE-PRESIDENT. It has been printed. The amendment has been modified in one particular since its printing.

The Secretary will state the particular in which the amendment has been modified.

The SECRETARY. On line 8 of the printed amendment, after the word "village," the words "ratably according to their capital" were inserted.

The VICE-PRESIDENT. That modification of the amendment has been agreed to.

Mr. CUMMINS. Mr. President, I believe the question upon this amendment is clearly divisible, and therefore I have no objection to the suggestion of the Senator from Montana [Mr. CARTER].

Mr. BORAH. In order that we may understand precisely what we are voting on, I should like to have a statement as to what division takes place.

Mr. CARTER. I did not hear the statement of the Senator from Idaho.

The VICE-PRESIDENT. The Senator from Idaho desires that the Senator from Montana shall restate the precise division

of the question embraced in the amendment of the Senator from Iowa [Mr. CUMMINS].

Mr. CARTER. Mr. President, the amendment of the Senator from Iowa first provides that section 10 shall be stricken out, and then provides a substitute for section 11. Of course these amendments are clearly divisible; but the amendment proposing to strike out section 10 is very clearly subject to subdivision, because there are several propositions involved in section 10. It is readily conceivable that a Senator might favor one or two propositions in that section and be opposed to the one remaining. I will state what the propositions are.

First, section 10 provides—

That postal savings depository funds are hereby declared to be public moneys and subject to the safeguards and preferences provided by statute therefor.

That is one clear and distinct proposition.

Mr. BORAH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. I yield to the Senator from Idaho.

Mr. BORAH. If that is one of the distinct propositions, one of the subdivisions, I do not care to be heard upon that particular division. That was the reason I asked the Senator from Montana to state the divisions.

Mr. CARTER. I will ask a vote, with the permission of the Senate, and I hope it will be granted, upon that proposition standing alone.

The two following propositions are equally separable from the body of the section. One provides that the money shall be exempt from garnishment or seizure, under legal process, while in the possession of the Government. The second provides that the funds "shall not be subject to taxation by the United States or any State, county, or municipality."

The question of garnishment stands alone as a separate, distinct proposition. The question of taxation is equally separate and distinct, neither depending upon the judgment of the Senate with reference to the other.

Then comes a final or concluding clause in section 10, to which I imagine no Senator will have any objection, which provides that—

No person connected with the Post-Office Department shall disclose to any person other than the depositor the amount of his or her deposit, unless directed so to do by the Postmaster-General.

I think this feature of the section all will approve without dissent. It would be strange indeed if the postmasters of the country and the clerks in the post-offices were permitted, without any restraint whatever, to make common street gossip of the state of a depositor's account. No bank permits its administration any such freedom with reference to depositors' affairs, and I believe it is currently understood that banks will only yield a statement when compelled so to do by due process of law.

Now, Mr. President, I ask unanimous consent that the first portion of the amendment, proposing to strike out that part of the section relating to the safeguarding of the funds, be considered as disagreed to.

Mr. CUMMINS. Mr. President, I am not able to concur with the Senator from Montana with respect to the first clause or division of this section. It reads:

Sec. 10. That postal savings depository funds are hereby declared to be public moneys—

As a mere abstract announcement, I have no objection to that part of the section. In my opinion, they are and would be public moneys without any such characterization in this proposed statute. But that part of the section to which the Senator refers, the proposed amendment to which he now asks be disagreed to, proceeds:

And subject to the safeguards and preferences provided by statute therefor.

My particular objection to that clause in the section is that my amendment is based upon the hypothesis that there shall be no preference to the United States growing out of a deposit of these moneys in the banks in which they are deposited. I hope that the fairness of that suggestion will so effectually appeal to the Senate that my amendment in that respect will not be disagreed to.

Mr. CARTER. Mr. President, the only question involved in this portion of section 10 is whether it is the disposition of the Senate to throw about these postal funds the safeguards provided by the criminal statutes for public moneys.

Mr. CUMMINS. Mr. President, may I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Iowa?

Mr. CARTER. Certainly.

Mr. CUMMINS. Does the Senator understand that the word "preferences" as contained in this section is intended to throw about these deposits the safeguards of the criminal statutes?

Mr. CARTER. The safeguards would unquestionably relate to the criminal statutes. Preferences such as attach to the public moneys ought not to be denied funds of this kind. I believe in guarding these funds with the greatest and most jealous possible care, and no safeguard or preference given the public moneys is too good for the postal savings funds.

Mr. CUMMINS. Mr. President, might I recall something of the discussion the other day upon this point? I have no desire to take away from these depositors entire security, but I am opposed fundamentally to giving their deposits a preference or a lien upon the assets or resources of a bank over other deposits in any such bank. It seems to me when you examine comprehensively the purpose that is in view it must be apparent that to give these depositors a prior lien over the ordinary customary depositors in the banks is to inflict upon them a most serious injustice.

This part of section 10 is inseparably connected with section 11, in which it is expressly provided that there shall be a lien upon the resources of the bank in favor of the Government upon its deposits.

Mr. CARTER. May I interrupt the Senator at that point, in order that possibly we may make progress by reaching an understanding? If the word "preferences," after the word "and," in line 24, should be stricken out in this part of the section, I understand that the Senator would have no objection to it, because the safeguards would manifestly relate only to the application of the criminal statutes.

Mr. CUMMINS. I should have no objection to it if you would strike out the word "preferences," and add to that clause in the section such words as would make it perfectly clear that only the criminal safeguards or protection of the laws are assured for these moneys. With that understanding, I would have no objection to that part of the section.

Mr. McCUMBER. Mr. President, about the same time the Senator from Iowa [Mr. CUMMINS] submitted his amendment I also offered an amendment covering in many respects the same ground. The principal difference was that my amendment did not cover as much ground. The amendment that is proposed here covers several different and distinct propositions. One of the propositions, as I understand, is that the deposits made by the Government in the banks shall have preference over claims of other creditors of the bank. Upon that proposition I am certainly in accord with the views of the Senator from Iowa, but I am doubtful whether striking out the single word "preferences" will meet the objection, because a preference is certainly a protection; and striking out the word "preferences" alone would not leave the section in such a shape that it would under the other words used make a preference in favor of the United States for its deposits. I wish to discuss another feature of this matter, but I understand it is agreed that this shall be voted upon as a separate proposition. I only suggest to the Senator that before he accepts the amendment suggested by the Senator from Montana the proposition should be very carefully considered and the language carefully drawn.

Mr. CUMMINS. Mr. President, I hope the Senator from North Dakota did not understand me to agree that the amendment should be disregarded, or this part of the section retained merely because of the striking out of the word "preferences." I expressly stated that if that part of the section were so changed as to make it certain that it referred only to the criminal statutes, then I would have no objection to it, although I may add that the criminal statutes will be effective in protecting the deposits without any reference to them in the law, if these moneys are public moneys, and I assume that nobody will question the proposition that they are public moneys when they come into the hands of the Government and the Government undertakes an absolute obligation to repay.

Mr. CARTER. Mr. President, the portion of section 10 under discussion was inserted through extra caution. But in order to defer the question of preference for deposits until we reach that question distinctly in section 11, I am prepared to meet the Senator's views by moving to strike out the words "and preferences," and inserting after the word "by" and before the word "statute" the words "the criminal," and making the word "statute" plural, so that it will read:

Subject to the safeguards provided by the criminal statutes therefor.

If the Senator will withdraw his amendment as to that portion of the section, I will move the amendment which I have suggested.

Mr. FLINT. Mr. President, do I understand that the Senator, in consenting to strike out the word "preferences," does not in-



tend that the Government shall have a preferred claim in the matter of savings-bank deposits?

Mr. CARTER. Mr. President, I would not assent to this change at this point in the bill were it not for the fact that in the succeeding section, section 11, specific provision is made for the preference of government deposits in the banks.

In order to reach the matter otherwise, I move that the amendment of the Senator be laid on the table as to the portion of section 10 concluding with the word "therefor," on line 24, and that the section be amended as I have suggested.

Mr. CUMMINS. I can not agree that the amendment should be laid on the table.

Mr. CARTER. Only that portion indicated. I understand we have agreed to divide the question.

Mr. CUMMINS. I am not very familiar with parliamentary procedure in the Senate; but reaching it as specifically and as directly as possible, I want to say that if the words the Senator has suggested be added to this clause of the section and the words "and preferences" are stricken out, I have no objection to that part of the section which remains becoming a part of the law.

Mr. CARTER. Then, Mr. President, as I understand, the Senator withdraws his amendment to this portion of the section as amended.

Mr. CUMMINS. I suppose the most direct way of reaching it, then, would be for the Senator to move to strike out that part of my amendment which touches section 10 and insert the words which he now proposes. In that way the Senator will reach the section he wants.

The VICE-PRESIDENT. The Chair will suggest that the Senator from Montana can move to amend the section proposed to be stricken out. Then the motion will recur, if the Senator insists upon a division of the question, as to whether the three first lines in section 10 shall be stricken out. If the Senator from Iowa accepts the amendment, of course the matter will remain in the bill.

Mr. CARTER. The amendment is accepted.

Mr. CUMMINS. I have agreed that it is fair to divide this question, but not in the manner suggested by the Senator from Montana. My amendments propose, first, to strike out section 10 and, next, to substitute something for section 11. I agreed that the question might be divided so far as section 10 was concerned, but I have not assented that the amendment to strike out section 10 shall be subdivided in the way suggested by the Senator from Montana.

I shall not, however, interpose any objection that will prevent the Senate from reaching the real heart of the matter in whatever way it seems best to reach it.

Mr. CARTER. Mr. President, the question recurs for the Vice-President to determine whether the motion to strike out section 10 is divisible, the section embodying four different and distinct propositions. As to some of those propositions Senators are favorable; as to others, certain Senators are opposed; and the purpose of separating the amendment is to allow the Senate to vote upon the separate propositions according to its judgment.

Mr. BURKETT. Has the Senator perfected this part of section 10?

Mr. CARTER. I understand it is perfected so as to be accepted by the Senator from Iowa.

The VICE-PRESIDENT. The proposed amendment has not been stated by the Secretary. The Secretary will state the amendment proposed by the Senator from Montana.

The SECRETARY. On page 7, line 24, after the word "safeguards," it is proposed to strike out the words "and preferences."

The amendment was agreed to.

The SECRETARY. In the same line, before the word "statute," it is proposed to insert the word "criminal."

Mr. BURKETT. I suggest it should be "the criminal," as I recollect the amendment.

Mr. CARTER. The word "the" should be inserted.

The SECRETARY. In line 24, before the word "statute," it is proposed to insert "the criminal;" and in the same line to strike out "statute" and insert "statutes," so as to read: "provided by the criminal statutes therefor."

The amendment was agreed to.

Mr. HEYBURN. I should like to ask the Senator from Montana a question. What additional force does the provision of section 10, that these deposits of public money shall be safeguarded by the criminal statutes, confer? Are they not already safeguarded? If they are public funds, we have legislation which makes their wrongful use or diversion a criminal offense.

Mr. CARTER. It occurred to the Solicitor for the Post-Office Department that these funds were not, in legal contemplation,

of the same character as the funds collected at the custom-houses and deposited in the Treasury.

Mr. HEYBURN. Then, do I understand the Senator to say that we are to have two classes of public funds, each of them differing in character?

Mr. CARTER. The Senator does not desire to have two classes of public funds. The Solicitor for the Post-Office Department, however, after a rather exhaustive examination of the statutes, proposed this part of the section. It was originally presented to the committee by the junior Senator from Pennsylvania [Mr. KNOX] and adopted by the committee, I think, through an excess of caution. But I feel disinclined, and I think the Senate would be, after the solicitor of the department had reached the conclusion that in some forced construction it might be held that the criminal statutes would not apply to employees embezzling or misappropriating these funds, as would be the case with funds collected at the custom-houses or by internal-revenue officers—

Mr. HEYBURN. After they are declared public funds, does the Senator think that embezzlement of them would not constitute a crime?

Mr. CARTER. This act proposes to declare them to be public funds.

Mr. HEYBURN. Does the Senator think that under existing law it would not be a crime to steal or embezzle this class of moneys declared to be public funds?

Mr. CARTER. Oh, the Senator well knows that there are certain statutes of the United States specifically applicable to employees of the Government of the United States and not applicable to persons outside of the public service. The public servant is held to a degree of accountability before the criminal law and maintains certain relations not generally applicable, and the purpose of this portion of the bill is to make it clear and unquestionable that these funds will have every safeguard thrown about any public funds by the laws of the country.

Mr. HEYBURN. The bill as it is proposed to be amended provides "that postal savings depository funds are hereby declared to be public moneys and subject to the safeguards provided by the criminal statutes therefor." That is provided by the criminal statutes, with relation to public funds. If the Senator proposes to make any other class of persons liable under the criminal law than those liable now—I suppose it might be suggested that the officers of banks may embezzle these funds, and they should be liable—it would be necessary to enact additional criminal law.

Mr. CARTER. I imagine the embezzling of these funds would subject such an individual to prosecution for larceny.

Mr. HEYBURN. Under existing law.

Mr. CARTER. Under existing law.

Mr. HEYBURN. Undoubtedly. Then, why incorporate this portion of the bill? Why not strike it out?

Mr. CARTER. I have clearly stated, or attempted to state, to the Senator that this section was imported into the bill at the request of the Post-Office Department—

Mr. HEYBURN. That is a pretty poor reason.

Mr. CARTER (continuing). Whose solicitor has after painstaking investigation concluded that as a matter of extra precaution and to prevent any question arising in the future as to these funds being public funds and entitled to the protection of all the statutes punishing the embezzlement or misappropriation of public funds, it would be better to incorporate it in the bill.

Mr. HEYBURN. Is it proper for us to incorporate in this bill a provision that does not meet with the approval of our judgment simply because the solicitor of some of the bureaus or departments of the Government wants it there?

Mr. CARTER. The fact that any question arises or exists upon the subject causes me as a Senator to approve the presence of the precautionary measure in the bill.

Mr. HEYBURN. And yet the Senator agrees that the law already covers that question.

Mr. CARTER. The only question would be that of the general proposition as to whether these were public moneys.

Mr. HEYBURN. We declare them to be public moneys.

Mr. CARTER. We declare them to be public moneys; and I understand that is the portion of the bill to which the Senator objects.

Mr. HEYBURN. As I understand the Senator from Montana—

Mr. CUMMINS. Mr. President, we on the "strip" are being deprived of the advantage of this debate. I should be glad to hear what is going on.

Mr. HEYBURN. I was suggesting to the Senator from Montana that inasmuch as it seems to be admitted all around that under existing law the embezzlement or misdealing with these

funds would subject a party to criminal prosecution, there is no occasion for reenacting existing law in this bill.

Mr. BURKETT. Let me call the attention of the Senator to section 16, on page 11 of the bill, which makes this section unnecessary, if it is calculated to have it go no further than what I understand the Senator in charge of the bill now to suggest. Section 16 provides:

All statutes relating to the embezzlement, conversion, and improper handling, retention, use, or disposal of postal and money order funds—

Shall be applicable to this law. It seems to me if it is intended to go no further than that, this language makes section 10 unnecessary.

Mr. HEYBURN. Certainly. If any further legislation were necessary, that would cover it. Originally section 10, in line 24, page 7, evidently was not to have any application whatever to the criminal statutes. The words "that postal savings depository funds are hereby declared to be public moneys, and subject to the safeguards and preferences provided by statute therefor" had no relation whatever and was not intended to relate to criminal proceedings, but to ordinary provisions of law relating to the disposal of this money and the control of it. I would inquire of the Senator from Montana if that is not the fact, and if it was not the intention that section 16 should provide the criminal remedy?

Mr. CARTER. It was the intention to leave no question anywhere as to this fund being subject to all the safeguards thrown about public funds by the criminal statutes. I eliminate that which relates to any kind of civil safeguard because of the desire of the Senator from Iowa to urge his amendment to section 11, where that question will be brought forward to be discussed on its merits.

The amendment I have just proposed, which has proved agreeable to the Senator from Iowa, disposes of this portion of section 10 in a satisfactory manner, unless the Senator can now urge some objection. Perchance we are too cautious with reference to safeguarding the money. In legislating I would rather err on the side of safety with reference to public funds than to omit anything necessary to guard them.

Mr. HEYBURN. Mr. President—

Mr. CARTER. I do not wish to discuss the matter further.

Mr. HEYBURN. I may possibly desire to discuss it a little further before voting on it.

Section 10, as amended upon the suggestion of the Senator from Montana, duplicates the provision of section 16. Section 16 provides:

All statutes relating to the embezzlement, conversion, and improper handling, retention, use, or disposal of postal and money-order funds—

Shall be applicable to this fund. That is a distinct provision in section 16. Section 10 undertakes to do the same thing in general terms, and I suggest that it is not a proper amendment, that it tends only to confuse the bill, and that the amendment should not be adopted. I refer to the amendment suggested in line 24, page 7, of the bill.

Mr. PILES. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Certainly.

Mr. PILES. How has the section been amended now? I did not quite catch it.

Mr. HEYBURN. It has been amended by striking out in line 24, first, the words "and preferences."

Mr. PILES. And what has been inserted?

Mr. HEYBURN. Nothing. And then by adding, after the word "by," in the same line, the words "the criminal."

Mr. PILES. How does it read now?

Mr. HEYBURN. As amended, it reads:

The postal savings depository funds are hereby declared to be public moneys and subject to the safeguards provided by the criminal statutes therefor.

Mr. PILES. Let me ask the Senator, does he see any objection to that?

Mr. HEYBURN. I see the same objection that I do in any legislation to duplicating the provisions of a bill.

Mr. PILES. Would it not be better, as the Senator from Montana suggested, in order to remove any doubt on that question, to let it go in? The point I desire to make, if the Senator will pardon me, is this: I should like to see this bill enacted into law at the present session of Congress, and I am going to contend for its enactment before this session adjourns; and if it is not enacted into law when it does adjourn, I am going to be one of the friends of the measure who will go to the President-elect and ask him to insert it in his call for the extra session of Congress, that the people may get what the Republican party promised in its national platform they would get.

Mr. HEYBURN. Does the Senator from Washington suppose that the insertion of this provision in any call for an extra or special session would have very much effect upon the legislative branch of this Government?

Mr. PILES. No; I do not. But I simply make the remark for this purpose: Inasmuch as there appears to be no serious objection to it, why not let it go in and thus expedite the bill? We could then proceed to the consideration of some other section. That is the only idea I have.

Mr. HEYBURN. A very ready answer to that is that I do not desire to expedite the enactment of this bill into a law.

Mr. PILES. That is a good explanation.

Mr. HEYBURN. And a perfectly candid one, too; and if I am to submit to what, in my judgment, is an inartistic provision in this bill merely in the interest of haste, I am afraid I will not meet the expectations of those who ask me to do so.

Mr. PILES. I beg the Senator's pardon. I did not know he was opposed to this bill. I did not know he was opposed to the principle incorporated in this bill. Naturally there are some amendments that ought to be adopted, but I did not know the Senator from Idaho was opposed to the principle announced in the bill. I supposed he favored it. Otherwise I would not have made to him the suggestion I did.

Mr. HEYBURN. What the Senator calls "the principle"—I have forgotten the words the Senator used; I will say "the principle in this bill"—is rather an indefinite statement. I perhaps would interpret this legislation in one way and the Senator in another. I am not in favor of the enactment into law of a bill along the lines of this measure. Whether I would support another measure drawn upon a different basis is a question to be determined when that measure is before the Senate. I am directing my remarks and my objections to the bill under consideration.

Mr. PILES. Has the Senator any objection to the postal savings bank plan in principle?

Mr. HEYBURN. I am afraid the Senator from Washington was not present recently when I addressed the Senate upon this question. Had he been, I think there would have been no occasion to make the inquiry.

Mr. PILES. Possibly I was out of the Chamber when the Senator addressed the Senate on it. I am sure I missed a very rare treat, because I always enjoy everything the Senator says. I had up to this point thought he was in favor at least of the principle embodied in this bill; that is, the establishing throughout this country of postal savings banks, according to the national platform. I will not say that there may not be some amendments needed here. I myself think there are.

Mr. HEYBURN. I stated the other day, in the absence of the Senator from Washington, that I am not in the habit, in the light of my experience, of estimating the contents of a package by the label on the outside of it. It is easy enough to say, "Are you in favor of a postal savings bank bill?" and it is easy enough to reply, "Oh, yes, I am;" but it does not follow that you are in favor of this bill, because you might be in favor of another dealing with the same question. I am looking to the contents of this package. It is like a good many other questions presented to us in political platforms. They bear very attractive labels, but they are sawdust packages, and I am not going to be led astray or committed to this bill by any general statement in favor of this class of legislation by any platform.

Mr. PILES. I will ask the Senator if he will not kindly help those who favor this plan of establishing postal savings banks throughout the country to get this bill in some form—

Mr. HEYBURN. What plan?

Mr. PILES. So that we may enact the bill into law before this Congress adjourns?

Mr. HEYBURN. The words "establishing a postal savings bank system" convey no concrete or definite idea of what the Senator says the people want.

Mr. PILES. I think the people of this country want the Government of the United States to permit them to put their savings in the various post-offices of the United States. Now, does the Senator oppose that?

Mr. HEYBURN. That is not the provision of this bill, unfortunately for the Senator's contention. This bill undertakes to provide that the Government shall borrow money of one man, at a given rate of interest, and loan it to another at a profit, and that it shall protect that money against attachment and taxation and every other liability to which the funds of the individual are subject under the law. Is that a postal savings bank bill? That is a banking bill. That is a bill to establish a new system of banking, whereby the Government will gather up the pennies of the poor and loan them to the rich.

Mr. PILES. Then, as I understand the Senator, he is opposed to the Government taking this money and paying any interest on it?



Mr. HEYBURN. That is the way the Associated Press, I judge, sent out my statement the other day—I noticed it all over the country—cut in two. They sent out the first half of the sentence, and they kept the balance, which I presume is somewhere about the floor. I am not at their mercy, and I have the Record that I can appeal to here, and I do not propose to be half stated. I would rather be misstated, oftentimes.

I stated the other day, and I repeat it, I am opposed, under the pretense of establishing a postal savings bank, to the Government borrowing money from the people at a low rate of interest and loaning it to others of the people at a high rate of interest. They cut that in two just as the question of the Senator from Washington cut it in two.

Mr. PILES. Would the Senator oppose a bill which did not provide for the payment of interest to the depositor?

Mr. HEYBURN. Would I oppose it?

Mr. PILES. Yes.

Mr. HEYBURN. Whether I would oppose it or support it would depend upon how it was drawn; what provisions it contained.

Mr. PILES. The particular point—

Mr. HEYBURN. Is there such a bill before the Senate?

Mr. NELSON. Mr. President, will the Senator yield to me?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Yes.

Mr. NELSON. There would be no difficulty about this proposition and gentlemen would not be agitated if the Senate would adopt my plan of guaranteeing the deposits in our banks.

Mr. HEYBURN. This amounts to it.

Mr. NELSON. This is a quasi guaranty—

Mr. HEYBURN. Yes.

Mr. NELSON. Of the smaller depositors, and it is because you ignored my plan at the last session that the people hunger for this homeopathic dose.

Mr. HEYBURN. The proposition of the Senator was to guarantee all the deposits of depositors in national banks. The Senate did not seem to be ready at that time to adopt that view. Now they come in and ask that they may reach the same end by piecemeal and that the Government shall guarantee one class of deposits and not another.

Mr. NELSON. I will remind the Senator that that is not different from what pertains to the practice of medicine. Some prefer allopathy and some homeopathy.

Mr. HEYBURN. And some none.

Mr. NELSON. If we can get insurance of deposits in homeopathic doses, why should we not take it as a beginning? It may lead to something better. I know the Senator from Idaho is immensely anxious to help the people of this country. If we can guarantee the deposits of small depositors, these little fellows, in an indirect way, by having Uncle Sam stand back of their deposits, if we can make that beginning, may it not be the entering wedge by which we can get the banks to withdraw their objection to the general guaranty of deposits.

Mr. OWEN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oklahoma?

Mr. HEYBURN. Certainly.

Mr. OWEN. I desire to suggest to the Senator from Idaho that Oklahoma has passed an act providing for the guaranty of deposits in state banks, which has resulted in the retirement of 33 national banks, and they have taken out state charters because of this advantage to the bank. The state banks have gained \$12,000,000 in deposits and the national banks have lost two millions within the last twelve months under that system. In homeopathic doses it seems to be doing very well, and I want to commend it to the Senator from Idaho on that ground.

Mr. HEYBURN. I have had a watchful eye on the great State of Oklahoma for a number of years—even before it was a State. Its citizenship is composed of bright, energetic, restless men—men who went there because they were restless in their disposition. They were not satisfied with the conditions that surrounded them before they went there, and they are still of an inquiring mind. They are still inquiring whether there are not some substitutes for existing things in a good many ways. I am still watching them with interest. I want to see how they will work out that problem of state government upon which they have entered. My hope is with them. I have confidence in their integrity and good intentions. But we need more than the few months that have intervened since that great State was launched as one of the States of this Union in order to reach a safe, sound, and conservative judgment as to whether or not it is a success.

Mr. President, this is exactly in the line of the legislation that we had under consideration at the last session of the Fifty-

ninth Congress, which permitted the national banks of the United States to carry their reserves away from home and get them into the money centers; and that will be the result of this legislation if it is enacted into law.

Mr. CARTER. Will the Senator kindly explain how?

Mr. HEYBURN. Yes; I certainly will not leave my thought unfinished. The bill provides that where there is not a market for this money in the vicinity of its deposit, it may be sent to other business centers for investment. In other words, we will assume that the bank at home first takes this money. It then becomes, of course, a part of the reserve which it carries. It will enable the bank either to send all of the private depositors' money abroad and keep this for the purpose of the bank or to send this abroad and keep the other. In other words, it enlarges not only the ability of the banks under existing law to send their reserves in a larger measure away from home, but it is a temptation for them to do it, because they pay a small rate of interest and they can send it where money is worth more. That proposition is in this bill, because by the direct terms of the bill this money, if it can not find a market at home, goes wherever it can find a market; and whose money is it? By the terms of the bill it is the Government's money. The ownership of the money shifts at the time of the deposit from the depositor to the Government of the United States. Where is it? In the Government Treasury? No; it does not go to the Government Treasury. It goes into the national banks, and it is still branded "public funds." It is still safeguarded, as it is expressed in section 10, notwithstanding the fact that it is not in the Treasury of the United States. The Government is keeping it in national banks. The national banks are keeping it where they please, or may, under the law, because there is no restriction in the bill as to where they may keep it.

The individuality or the identity of the money has been lost, by the very provision of section 10. It becomes public funds on general deposit. It is not on special deposit. There is no restriction as to what the bank may do with the money. There is no provision that it shall hold a certain amount in reserve to meet emergencies. There is none of those ordinary precautions at all that would stand between reckless banking and the safety of the depositor. If the Government is going to take this fund and be responsible for it, and pay it on demand, then the Government should protect it, at least to the extent that other deposits are now protected.

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. I yield to the Senator.

Mr. NEWLANDS. I should like to ask the Senator from Idaho whether it would not be entirely possible under this bill for the country banks to receive very large amounts of postal deposits and to turn them over to the great reserve banks, retaining in their own hands only 6 per cent to meet the demands of the Government in case those depositors should call upon the Government for their deposits?

Mr. HEYBURN. Mr. President, they are not even required to keep 6 per cent under this bill.

Mr. NEWLANDS. The Senator will remember that the national banking act provides that the central reserve cities shall keep 25 per cent.

Mr. HEYBURN. But the Senator loses sight of the fact that these come under the character of government deposits and they do not carry any reserves against them. That was disclosed in the discussion of the question here in the Fifty-ninth Congress. They claim immunity from the responsibility of carrying reserves against government money. So they would not have to carry any reserves against these deposits.

Mr. NEWLANDS. I will ask the Senator if under the bill, then, no reserves are required, is there any security that is required?

Mr. HEYBURN. No security is required. The provision on that subject is that—

Such deposits shall be made in national banks in the States and Territories in which the funds are received, and when possible in the counties in which such funds are received.

There is no provision here requiring them to give security for these funds.

Mr. NEWLANDS. So they are not obliged either to give security or to keep any reserve.

Mr. HEYBURN. No.

Mr. CUMMINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Certainly.

Mr. CUMMINS. I can not allow the Senator from Nevada to go away without some information on that subject.

Mr. NEWLANDS. That is what I am seeking.

Mr. CUMMINS. The matter now under consideration is an amendment to the bill. Nevertheless, the original bill provided that the government deposits should be a first lien upon the resources of the bank. The amendment under consideration provides that the banks shall give an indemnifying bond to the satisfaction of the Government for the return of all moneys deposited by the Government in the bank. So the Senator from Idaho did not catch that part of the bill which does afford the Government real, substantial security for the money.

Mr. HEYBURN. I was directing my remarks to the bill. The immediate question under consideration was not the amendment offered by the Senator from Idaho, although that is also under consideration. I was considering section 10 and the amendments which were accepted by the Senator from Montana.

The Senator from Iowa suggests the fact of making these deposits a first lien upon the assets of the bank. That does not constitute a guaranty. The bank is not required to have any assets. The bank may have disposed of every dollar of its funds.

It is true that the amendment offered by the Senator from Iowa provides for the giving of an indemnifying bond, but the indemnifying bond would be given, I suppose, by the bank receiving deposits to the Government of the United States, so that the Government would be protected against loss at the hands of its own agency, the national bank. Would that constitute any protection to the depositor? The depositor needs no other protection than the Government itself. The Government of the United States receives this money. It becomes public funds, and the Government enters the credit in a book; the depositor presents that pass book, and of course the Government will pay him. He needs no other guaranty than the faith and the ability of the Government.

But I was directing my remarks more to the other depositors of the bank than those who deposit under the provisions of the bill. A bank has a million dollars in deposits from merchants and business men in a community. You are going to take away from those men the security that rests in the fact that the assets of the bank are responsible to them against loss. You are going to deprive them of that right. You are going to protect this single class of depositors at the expense of whom? The bank? No. The Government? No. You are going to protect this class of depositors at the expense of the general depositors in the bank. If a bank with a million dollars of general deposits had \$500,000 of this class of deposits were to fail or become insolvent and had \$500,000 of assets, the Government would take those assets to do what? To protect the depositors in the postal savings bank? No; he is already protected. But to protect the Government itself. Then, what would become of the million dollars belonging to depositors doing business in the ordinary way with that bank? Those depositors would not be left to share in these assets at all. The Government would have recouped itself against loss, and the general business community doing business with the bank would be out and injured.\*

No amendment offered to the bill, nothing in the provisions of the bill, seems to take into account the position of the ordinary class of depositors. Are we going to diminish their security in the interest of those who to-day are said to be so timid that they will not bring the money out of the hiding places? As an inducement to bring money out of supposed hiding places are we going to destroy the credit of the bank and the security of those who do business with it in the ordinary responsible methods? I would hardly see any necessity for that.

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Certainly.

Mr. BURKETT. Does the Senator know that an amendment pending provides for just the things the Senator is now speaking of?

Mr. HEYBURN. I think the Senator from Nebraska overlooks the fact that there are two amendments pending. This amendment is separable. The Senator in charge of the bill undertook to accept the amendment proposed on line 24 of page 7 in section 10. That was the point which brought me to my feet. I have not undertaken to discuss the amendment of the Senator from Iowa in its general terms. We have not reached it, and I have not realized the necessity of doing so. We will reach it; we must reach it.

Mr. BURKETT. The real thing that was up for discussion at the time was the first few lines of section 10, providing that this deposit fund should be public money, and providing that it should be public money, subject to the criminal statute. The Senator took issue because he said section 16 practically covered the same thing. That was the real amendment which was be-

ing considered at that time. The other part of the amendment, to which the remarks of the Senator are now directed, was not under immediate consideration at that time.

Mr. HEYBURN. If I were in court arguing a demurrer, I would be subject to the rule suggested by the Senator from Nebraska; but we are in a higher court than those in which such questions are raised by the technical rules of pleading, and we are discussing this measure a little along the lines suggested by the now absent Senator from Washington. We are discussing this question as a political principle.

Mr. BURKETT. My object in interrupting the Senator was to find if we could not discuss it in a way by which we would finally reach an end and accomplish something.

Mr. HEYBURN. I am very anxious, of course, to accommodate the Senator.

Mr. BURKETT. I am anxious to have the amendments acted upon, and we should consider one amendment at a time. If we considered one amendment at a time and discussed it, we might get something accomplished at this session; but it will not be possible otherwise.

Mr. HEYBURN. I think we will get to a point where we will have a clear comprehension of the spirit and purpose of this proposed legislation. That is what I am hoping, and if we do not reach that point, as far as I am concerned, it will not be for want of careful inquiry and consideration.

Of course it would be very nice indeed to just push a bill like this through and say we promised something in the platform, and we must hurry and do it or somebody will be calling us to account. I do not stand in any fear of being called to account by the public or any part of the public for my action in this body. I propose that it shall be a conscientious discharge of my duty, and I stand ready to give a reason anywhere for my action and for the faith that dictates it.

Mr. CARTER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. CARTER. Was not the Senator from Idaho a delegate to this convention that approved the postal savings bank system?

Mr. HEYBURN. The Senator says "this convention" that approved a postal savings bank bill. Inasmuch as the Senator has asked me the question, I will make my position so plain that there will be no future cause for inquiry.

Mr. CARTER. I asked the Senator if he was a delegate to the convention.

Mr. HEYBURN. I will answer the question. It is the privilege of the Senator to ask a question, and it is my privilege to answer it. Each of us choose phrases according to our fancy. I will answer it whenever I am given the opportunity.

Mr. NELSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. NELSON. I want to remind the Senator from Idaho that he is not obliged to incriminate himself. [Laughter.]

Mr. HEYBURN. Mr. President, it is just these little pleasantries interjected into the proceedings of this body that afford us rest.

Mr. McLAURIN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. HEYBURN. Certainly.

Mr. McLAURIN. Can the Senator from Idaho confess that he was a member of that convention without incriminating himself?

Mr. HEYBURN. We will let that answer, Mr. President, come along in due time. I think I have been sitting in party councils as long as, or perhaps a little longer, than the Senator from Montana. I have at all times since I first entered upon the responsible duties of citizenship given heed to the good faith that rests upon a party and its responsibilities. I have never engaged or participated in the making of a platform that expressed principles I did not adhere to and live up to. The making, as I have said, in the Chicago convention of a declaration in favor of the enactment of a proper law establishing postal savings banks did not carry with it the promise or the responsibility to adopt any legislation upon that subject that might be proposed by anybody.

Mr. CARTER. Mr. President, I should like to ask the Senator—

Mr. HEYBURN. Let me anticipate the Senator for a moment.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.



Mr. CARTER. Does the Senator admit that he was a member of that convention?

Mr. HEYBURN. I was not a member of the convention, but it was a convention of the party that I belong to.

Mr. CARTER. Since the Senator believes in executing the purposes of the party as announced, and the party announced itself in favor of a postal savings banks system, I ask him if he can outline what he understands by a postal savings banks system such as he would support?

Mr. HEYBURN. Yes, I can; and perhaps I may do so before the consideration of this question leaves the Senate, but I am not obliged to do it every time I get on my feet to discuss the pending bill.

Mr. President, we had a glimpse at this proposed legislation before we went to our respective conventions.

Mr. OVERMAN. I suggest to the Senator that perhaps his platform was made to get in on rather than to stand on.

Mr. HEYBURN. I do not concede that political principle. I believe in an intelligent political conscience, and I believe in the right of all men to speak responsibly for their party and to have a patient and careful hearing as to the interpretation that they place upon those promises.

Mr. BURKETT. Mr. President—

Mr. HEYBURN. I will yield in just a moment. As I have already said, the declaration in the Chicago platform, or any other platform upon this subject, was merely a label, and it behooves us to fill the package with gold and not with sawdust.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Certainly.

Mr. BURKETT. I am sure that the platform did not specify just how the bill should be drawn, but does not the Senator recall that at that time this very bill was pending in the Senate, and before the meeting of the convention this very bill had been set down for a day certain for consideration? This was the bill that committee of the Senate had reported, and it must have been the bill the convention had in mind when they indorsed the proposition, if they had any bill in mind. Furthermore—

Mr. HEYBURN. The indorsement had no responsibility behind it at all and our indorsement has.

Mr. BURKETT. Furthermore, if there had been no bill so that it could not have been brought to a close interpretation, would not the Senator suppose a general interpretation of postal savings bank, as shown by fifty years of practical experience in the rest of the world, would mean to convey what was intended by the words "postal savings bank" when they indorsed it?

Mr. HEYBURN. I would not arrive at any such conclusion, Mr. President.

Mr. BURKETT. Would the Senator expect, then, that the convention in saying that they indorsed the postal savings system were indorsing a system entirely different from the general system as announced in this bill, and entirely different from the system of all the world as shown by fifty years of experience and the practice of practically every other nation? Would the Senator suppose the convention intended to indorse something entirely different from all of them?

Mr. HEYBURN. Mr. President, if the convention acted intelligently, and I have no doubt it did, it simply recommended the subject to us for intelligent and responsible legislation; that is all.

Perhaps planks in platforms are sometimes framed in unfortunate language; they undertake to command and direct. There is no political convention that has a right to direct the act of a Senator under his conscience in this body. That a committee which meets and sits for four or five hours at night, without any instruction from any constituency and without any responsibility for their act, is to dictate the conscience of a Senator is not to be thought of for a minute. The conscience that impels us to take the oath of office and assume the duties here is the only measure of legislation or action on the part of the Senate.

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Nebraska?

Mr. HEYBURN. Certainly.

Mr. BURKETT. Recognizing, as the Senator has finally done, that the convention at most only commanded this body to enact some responsible legislation, if I remember the Senator's words, does he think he is even complying with the instruction and command of his convention when he stands here and opposes the proposed legislation?

Mr. HEYBURN. I take no instruction or command from any convention on earth except as to general principles of govern-

ment. I know when I go into a national convention what the principles of the party to which I belong are, and I do not have to relearn them every time I go there. That they should assume to say that the Senator from Nebraska or the Senator from Idaho shall vote so and so is beyond their province.

Mr. BURKETT. Then, what is the object of a party platform?

Mr. HEYBURN. It is the declaration of the general principles of a party on political questions and not upon questions of detail in legislation.

Mr. BURKETT. Is the Senator carrying it out when he makes the statement that he is going to prevent a vote on the bill?

Mr. HEYBURN. Yes; I am absolutely carrying it out. Let me ask the Senator a question. Does the Senator from Nebraska expect to offer any amendments or to vote for any amendments to the Carter bill as it came here?

Mr. BURKETT. I certainly will if they are good ones.

Mr. HEYBURN. Then, is not the Senator disregarding just as much as I, there being only a difference in measure, what he calls the dictates of that convention?

Mr. BURKETT. I understood the Senator to say that he proposes to prevent us from getting a vote on the bill.

Mr. HEYBURN. No; I did not say that.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly.

Mr. GALLINGER. I have just come into the Chamber, but I think I catch the drift of the discussion. I have heard a great deal of talk about conventions, state and national, binding the conscience of the members of the party. I will remind the Senator from Idaho that only a few years ago I chanced to be a member of the committee on resolutions of a national convention when the Republican party was committed to 1 cent postage in the platform. I presume that if a bill establishing 1 cent postage had been offered in this body it might have received a vote or two, but it would not have been seriously considered; and yet it was a part of the platform of the party to which the Senator and I belong.

Mr. BACON. In other words, it was simply put in there to catch votes.

Mr. GALLINGER. I think probably that was the purpose. I voted against it, I will say to the Senator.

Mr. HEYBURN. I am not willing to admit that at all. I have a conscientious respect and regard for the declarations of a platform. I have served on a committee on platforms in the national convention three or four times, and I have served more than once on the subcommittee that did the responsible work in the making of the platform and I know something of the manner in which platforms are made. I have never felt that I was released from responsibility at all when I left the convention and when the platform went out as a declaration of principles. Platforms sometimes are not wisely drawn and they undertake to go beyond the province of the convention in entering into details. A platform is a declaration of the principles of the party and is not to direct the responsible representatives of the people in the details of carrying those principles into effect.

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Certainly.

Mr. BURKETT. Right in line there, what provisions did the Senator, as the working member of the platform committee, put in platforms that were not put in with the intention of carrying them out?

Mr. HEYBURN. None at all. I never voted to put a plank in a platform or to make a declaration that was intended merely for use in the campaign, as has been suggested, or that I did not seriously believe to be the fundamental and foundation principles upon which our Government should rest, and I never expect to. I never believed in the doctrine that platforms were made to ride into power on. I believe a platform should be a declaration of the principles the party stands for. I believe one of the most serious duties men perform is the declaration of the principles of a party, and I think sometimes we forget it in the elaborateness of the platform.

Mr. BURKETT. I understood the Senator to say a moment ago that he was not a delegate to the last convention. Is he, then, taking this position because he does not himself feel personally bound by that declaration in the platform?

Mr. HEYBURN. I am taking the position because I do not approve the provisions of the bill.

Mr. BURKETT. Does the Senator take this position from the fact that he was not a party to the convention?

Mr. HEYBURN. Not at all.

Mr. BURKETT. And did not help make the platform?

Mr. HEYBURN. Not at all.

Mr. BURKETT. That does not lessen the obligation.

Mr. HEYBURN. Not at all. I am opposing the enactment of this proposed measure because I do not believe that its enactment would be in conformity with the best interests of the people.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from South Carolina?

Mr. HEYBURN. Certainly.

Mr. TILLMAN. I have been out of the Chamber, but I came in in time enough to catch a little of what is going on. I should like to inquire whether or not the Carter bill, or the bill under consideration, is one of the planks in the Republican platform?

Mr. HEYBURN. It is not.

Mr. TILLMAN. Or whether the general subject of postal savings banks, without designating any bill or without going into particulars, was a part of the Republican scheme?

Mr. HEYBURN. The latter statement of the Senator is the correct one. The Carter bill is no part of the Republican platform.

Mr. TILLMAN. I thought from what the Senator from Nebraska said that it was a part, verbatim et literatim, of the Republican platform.

Mr. HEYBURN. It was to that purpose I asked the Senator if he intended to vote for or to propose any amendments, because it would be as much treason to the party, from the standpoint the Senator suggested, to propose to amend the bill or to vote for amendments as it would be to oppose the bill.

Mr. President, I do not believe that I stand alone in my opposition to this measure. I shall be very much interested to hear developed the position of other Senators on this question. I have taken part in the discussion of it thus early because there seemed to be no one else to stand in the breach against hasty action on the bill. Amendments were being made here by the Senator in charge of the bill, without any considerable consideration by the Members of the Senate.

Mr. President, this is an attempt to establish a new branch of the Government that will represent an increase in the clerical force of the Government in the neighborhood of 40,000 people. An accurate estimate at this time is not possible, but it is not difficult to double the number of postmasters in the United States and add to that a force of admittedly eighteen hundred clerks in the city of Washington. Like some other recent grafts upon the body politic, we will soon have a new department here, for which we will be making appropriations from year to year.

I discussed the necessity of this measure on a former occasion, and I do not care at this time to enter largely into the consideration of that question. But this is one of those hysterical cries that come up from time to time, and that people without investigating them accept as though they had a value.

Mr. CARTER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. CARTER. Mr. President, the hysteria has considerably exceeded a century in duration and has been crystallized into very important legislation all over the world except here; but passing hysteria, I do not wish to leave unchallenged the wholly unauthorized statement of the Senator from Idaho that the bill will necessitate the employment of 40,000 additional people, nor the statement that it will draw one dollar from the Treasury of the United States for the execution of its purposes. The fact is that not one additional postmaster will be required in the United States for the administration of this law; not one additional post-office will be established in consequence of the law; not one additional clerk in a post-office in the country will be employed in consequence of the law; and only a limited clerical force at the capital will be required to compute the interest annually on the deposits as the books come in.

Mr. President, I believe the Senator from Idaho desires to be fair and just in his statement of the subject before him, but in the enthusiasm of the moment he seems inclined to deal in reckless statements which I think he will feel impelled to correct when they appear in the RECORD.

Mr. HEYBURN. I call upon the Senator from Montana to name a statement that he thinks I shall be called upon to correct.

Mr. CARTER. Mr. President, the Senator has just made a statement that it will be necessary to have 40,000 additional postmasters in the United States if this bill be enacted.

Mr. HEYBURN. Mr. President—

Mr. CARTER. I hope the Senator will correct that.

Mr. HEYBURN. I hope the Senator will be just as careful as he suggests I should be. I did not say that we should need 40,000 additional postmasters. I said double the number of postmasters. I do not know their number.

Mr. CARTER. There are 76,000 postmasters in the United States now, and that makes the Senator's expression even more extravagant.

Mr. HEYBURN. Very well. That is one of my objections to the system.

Mr. CARTER. Will the Senator explain how an additional postmaster can be appointed under this proposed law?

Mr. HEYBURN. Mr. President, I care not whether you call him a postmaster or a postmaster's clerk, or an assistant, or a financial clerk, or what you call him, it is the man who is going to take the money in and enter the amount on the books, transfer it to the government accounts, and transfer the money to the bank. The postmaster can not do it without some additional help in any post-office.

Mr. CARTER. Mr. President, the Post-Office Department, which is charged with the administration of this great service, has made very accurate computations, has considered the operation of this bill should it become a law, and the judgment of that department, familiar with the subject-matter, should certainly be accepted in preference to the statement of the Senator, which was 40,000 off to begin with, and he made it 76,000 off in trying to correct the statement.

Mr. HEYBURN. No; I did not make it; the Senator did.

Mr. President, has it occurred to the Senator that, instead of sitting here day after day and depriving ourselves of the benefit of exercise and the enjoyment of outside life, we might just as well send over and have the Post-Office Department legislate for us and announce the result and we should have it filed here? I, for one, do not propose to take the action of the Post-Office Department as conclusive upon myself.

Mr. CARTER. Mr. President, I hope the Senator from Idaho does not understand me to request him to subordinate his judgment to anybody or to any department. That request I would not prefer, and it would be futile to prefer it if I were so disposed.

Mr. HEYBURN. It certainly would.

Mr. CARTER. There was no intention of having the Senator from Idaho either terrorized or coerced by the suggestion; but I assume that the Senator will assent to the fact that those who know something about the subject—

Mr. HEYBURN. "Who know?"

Mr. CARTER. Are better able to judge than those who know nothing about it.

Mr. HEYBURN. Yes; but who is it that knows, Mr. President? I want to know who is to be accepted as knowing something which somebody else does not know?

Mr. CARTER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. CARTER. Mr. President, I realize the great learning of the Senator from Idaho in law, in the history of his country, and in the broad domain of general information; but he has demonstrated to my satisfaction, and I think to everybody's satisfaction here this afternoon, that he does not know anything about this bill. [Laughter.]

Mr. HEYBURN. Mr. President—

Mr. CARTER. When the Senator makes the statement deliberately that this bill will entail the appointment of 40,000 additional postmasters, and then says, in correcting himself, that it will only require a duplication of existing postmasters, and they are seventy-odd thousand in number, I submit he admits himself out of court so far as any information on this bill or its operation is concerned.

Mr. HEYBURN. Mr. President, it is a fortunate thing that in this deliberate body we have an accurate record, which is official, and that we are not at the mercy of the statement of any man as to what we say. Of course the RECORD will not bear out the Senator from Montana in any such conclusion, and when he reads it to-morrow, if he does, he will be surprised that he should have been led into making such a statement.

Mr. CARTER. I hope the Senator will agree not to correct the RECORD.

Mr. HEYBURN. Oh, Mr. President, I am one of those who never correct the CONGRESSIONAL RECORD, nor read a speech



after I have made it until it is in print. No reporter of this body will ever say that the print in the CONGRESSIONAL RECORD is not as I uttered it on the floor of the Senate on any occasion.

Mr. President, what I said was true, in my judgment, that this bill would double the force, or make it necessary to double the force—I care not whether you call it of postmasters or not—in the post-offices; and that it would add largely to the clerical force in Washington to take care of this continuous and enormous daily stream of business coming in from, as I understood the Senator to say, 70,000 post-offices to this great center to be converted into book accounts. How many accountants and how many bookkeepers would be required here to take care of the flow of items that would come in every day—not once a month or once in a given period, but every day—flowing in here to be tabulated, adjusted, posted, and recorded; and not only coming in, but going out again?

I care very little, so far as the discussion of this principle is concerned, about the question that will probably be more interesting to the Appropriations Committee some day, but I want to reply to the suggestion the Senator wrapped up in the body of his remarks, and which seems to me to be utterly without reason. The Senator says, first, that it will require no additional help at the post-offices, and he charges me with being absolutely lacking in knowledge because I suggest that, in my judgment, a large increase in the post-offices will be necessary. Then he says not an additional clerk in any post-office will be required by this proposed act. I leave that to the judgment of people who think. He admits that some additional clerical force will be necessary here in Washington for the posting up of these accounts. That situation does not need any very great amount of elaboration.

Mr. CARTER. I can elaborate it somewhat for the Senator's information, if he desires it at this moment.

Mr. HEYBURN. I am always ready to yield, and pleased to yield, to the Senator from Montana.

Mr. CARTER. Mr. President, it will be observed by an examination of the terms of the bill that it will only provide for postal depositories in the money-order post-offices.

Mr. HEYBURN. How many are there?

Mr. CARTER. About 39,000.

Mr. HEYBURN. That is what I had in my mind when I made the suggestion as to the number of additional officers in the post-offices.

Mr. CARTER. There are altogether about 76,000 post-offices in the country. Of those 76,000 post-offices probably 39,000 are money-order offices. In each money-order office of the country is a money-order clerk assigned to the duty of looking after the money-order business.

Mr. President, it is well known that such clerks are not employed on an average in a money-order office to exceed two hours in a day, all told. In some of the larger offices there is a larger clerical force employed looking after the money-order business, but the computations made by the department—and without being at all frightened by the suggestion that we are subordinating our judgment to that of a department, I think it may well befit us to consult the experience of those who have been administering the department for years and who are familiar with its operations—the computations made by the department result in assurances given the committee to the effect that no additional clerical force will be necessary throughout the country to operate these postal savings depositories in the post-offices. That eliminates at once the increase contemplated by the Senator in the 39,000 money-order offices. There will be, of course, a number of clerks required at the capital to compute interest, to keep the books, to send notices to depositors, and all that.

Mr. HEYBURN. Does it not occur to the Senator from Montana that there must be a great deal of idle time on the hands of the existing clerks and officers in the post-offices if they can take charge of this immense business without burdening them?

Mr. CARTER. The department thinks there is ample time now for the clerks to do the additional business without any cost to the Government.

Mr. HEYBURN. In regard to the question of the overpowering influence of the opinion of executive officers, I would not detract from any credit that is due to them either for their efficiency in the performance of their executive duties or in their judgment regarding public questions. I suppose they vary in their ability just as the great body of citizenship varies. I do not suppose you add anything to the intelligence of a man by making him an officer in the Post-Office Department of the United States. I might be willing to attach much importance to his judgment had I a personal acquaintance with him that would enable me to properly estimate him, but because an officer

in the executive branch of this Government feels like exploiting the fields of legislation and impressing his name upon the history of the country by sending in a bill that is known as the bill of this certain officer, I do not propose to blindly follow any such lead. I do not know of any experience that such an officer has had that would justify any Member of this body in deferring his own judgment to that of such a man.

Mr. NELSON. Mr. President, to whom does the Senator refer?

Mr. HEYBURN. I refer to whomsoever I mention. [Laughter.]

Mr. CARTER. Will the Senator permit an interruption?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. CARTER. The Senator from Idaho would convey the impression—not consciously, of course—that this bill had evolved from a period of hysteria and that the hysteria was of recent origin.

Mr. HEYBURN. Oh, no; it is not.

Mr. CARTER. Mr. President, this postal savings bank legislation has been earnestly urged by the Postmasters-General of the United States from 1871 to this time. Time and again the officers of the Post-Office Department have forwarded drafts of bills to cover the subject in mind. Members of both Houses of Congress have introduced bill after bill in session after session, and report after report has been made in favor of such bills in both Houses of Congress in the forty years past.

Mr. HEYBURN. Just a word there—and been repudiated by the intelligence of the American people.

Mr. CARTER. Ah, Mr. President, that is the view of the Senator expressed on the floor, but the Senate Committee on Post-Offices and Post-Roads years ago, after mature consideration, reported a bill substantially in terms like unto the one here pending.

Mr. HEYBURN. I want to ask a question there—

Mr. CARTER. Mr. President, with reference to repudiation, after this subject-matter had been pressed upon the attention of the American people year after year from 1871, after numerous bills had been put forward embodying the administrative and other features, the people became, in due time, pretty fairly familiar with the matter. They were familiar with the history of the world; they knew that there were postal savings banks in practically every civilized country on the globe, and that they were all working well. So last year, in every national convention that assembled on this continent, postal savings banks were approved as a safe, sane, and worthy system to be legislated upon and put upon the statute books of the country.

Mr. HEYBURN. What kind of savings banks?

Mr. CARTER. Unquestionably the kind of savings banks that had been put forward by various bills and reports and discussions and editorials, magazine articles, and other forms of expression through which the people of the country arrive at a conclusion.

Mr. HEYBURN. Does the Senator undertake to say that the bills put forth by the newspapers were like those put forth by the magazines, and that those put forth by the magazines were like those put forth by the Committee on Post-Offices and Post-Roads, and so on, and so on? Not any two of them had the same idea about it.

Mr. CARTER. Mr. President, the underlying idea of each and every one was substantially the same. They only differed in details.

Mr. HEYBURN. There never has been a bill reported into the Senate in all the years to which the Senator refers that met with the approval of this body, or, presumably, that met with the approval of the country, because the country sends this body here.

Mr. CARTER. If the Senator will now agree to take a vote on this bill within a week, I will show him that two-thirds of the Senate favor its passage.

Mr. HEYBURN. I am afraid the Senator from Montana does not give full credit—I will not say to the intelligence, but to the judicious action of this body.

Mr. CARTER. In order that he may be better informed and I may be better informed as to how the Senate stands on it, will the Senator now consent to take a vote on this bill and pending amendments on the 20th day of this month?

Mr. HEYBURN. Mr. President, by that time I hope this bill will bear but little resemblance to its present form.

Mr. CARTER. Will the Senator consent to have a vote taken at any time during the session on the bill and pending amendments?

Mr. HEYBURN. Mr. President, I will not say that it is not the privilege of the Senator to ask that question, but I will say

that at this time it is my privilege to say that I have not fully considered this measure or fully discussed it. I have, perhaps, fully considered this bill, but I have not fully considered the question of a postal savings bank system.

Mr. CARTER. Mr. President, I do not wish at this time to ask unanimous consent for a time to take a vote; but I will prefer such a request before the close of this week, when Senators who have an interest in the subject are present. I hope the Senator from Idaho will exert himself to secure unanimous consent for a vote at this session, and I assure him that a majority of the Senate equal to two-thirds will sustain the peculiar view which he assumes to criticize.

Mr. HEYBURN. Mr. President, I have sometimes thought that I could prophesy as to just how a vote would stand in this body and have been woefully disappointed with the result.

I do not intend to be in the position of one who "filibusters," as it is termed, in regard to this bill at all, but I do intend to try to prevent unwise legislation by legitimate means. I shall not speak one word or one moment longer than I think is proper to speak upon this measure; but I will not at this time promise that I will do something that was perhaps the evil that was committed by the conventions that have been referred to, and which they promised to do without sufficient thought as to the result of their promise.

Mr. President, the wisdom, very much extolled by the Senator from Montana, of former Postmasters-General does not appeal to me at all. I care more for the wisdom of this hour and this age, because it is with this hour and this age that the responsibility rests. It may be that in the past measures have been proposed for the establishment of postal savings banks that would come nearer meeting with my approval than the bill under consideration could possibly ever do; but I have not felt it profitable to take them up for consideration. Certain it is that I am not in favor of any bill that is based upon the principle that the Government shall borrow money of one man in order that it may loan it to another selected person. That does not appeal to me; and if I can prevent any such legislation as that, I will feel that I have contributed to the welfare of the country.

I will not support a measure that provides for the turning over of deposits of this character to banks of a particular class, to be by them loaned out or disposed of or controlled. I will support a measure, aptly drawn and phrased, that provides for the deposit of sums of money through the post-offices or a central bank and its agencies, to be kept by the Government for those who have not confidence enough in their own ability to keep it, until the owner of the money wants it; but I would provide that the character of the money shall change, and that it shall become a public fund. I will not, however, support any such measure as this.

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Certainly.

Mr. BURKETT. I do not understand the character of bill which the Senator now says he would support. Is it a bill providing banks for incompetents?

Mr. HEYBURN. I do not know just exactly where the Senator's failure to understand commences.

Mr. BURKETT. For the last three or four minutes we over on this side have been unable to understand—

Mr. HEYBURN. I am afraid that the conversation of the Senator was occupying his mind to the exclusion of hearing what I said.

Mr. BURKETT. The Senator was not engaged in any conversation.

Mr. HEYBURN. I will repeat—

Mr. BURKETT. I should like to know just the kind of postal savings banks the Senator was saying he is willing to support.

Mr. HEYBURN. I will repeat what I said at the expense of the public printing bill. I will support a system which provides that those who feel that they are not capable of safely guarding their own money, whether they be rich or poor, may deposit it with the Government of the United States, through agencies, either the post-offices or a central bank and its branches, and that the Government will keep the money of these incompetents until such time as they feel that they want to use it.

Mr. BURKETT. Would the Senator want any further statement or affidavit to that effect on the part of the depositor than the mere fact of depositing the money in the bank would be?

Mr. HEYBURN. Mr. President, that designation is my own, and I would not require any other person to adopt it. I never saw public sentiment, represented by those who are pressing the passage of this bill, so wrought up on behalf of a class of

their fellow-citizens who have not been consulted in this matter. Has any Senator, has any man anywhere, ever been appealed to by anyone who had money in a teapot to provide him some safe place for it?

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Nebraska?

Mr. HEYBURN. Certainly.

Mr. BURKETT. Let me ask the Senator if he ever heard of a heathen appealing to anybody for a Bible?

Mr. HEYBURN. I did not catch the Senator's remark.

Mr. BURKETT. I asked the Senator if he ever heard of any heathen country appealing for Bibles; and yet all the time we are sending Bibles and missionaries to countries that do not have Bibles and missionaries.

Mr. HEYBURN. With due respect to the Senator from Nebraska, I think I will not undertake to answer a question like that. I will leave that to the Senator to answer himself on some memorial day.

Mr. BURKETT. Let me remind the Senator that he asked the question whether any Senator here who was advocating this bill had ever had any appeal from anybody for a depository of this kind. Simply because the people who need savings bank depositories have not appealed for them is not, to my mind, any answer that there is not a just field for them. Compulsory school laws have been passed perhaps in his State and in mine for the benefit of a class of people that never appealed for a compulsory school law; but we have enacted such laws for their good. So we may enact this bill for a class of people who do not save their money, who do not know how to save, and who are spendthrifts. The Senator certainly would not expect us to sit here and wait until the class of people whom he has been describing come to Congress and appeal for the enactment of the legislation now proposed.

Mr. HEYBURN. Mr. President, there is no analogy at all between the case stated by the Senator and the one under consideration. We devote a good deal of time to constituting ourselves the guardians of those who need no guardians. Recently my attention was drawn to a statement, in writing or printing, suggesting that the great mass of the American people needed the services of a volunteer guardian; that some one ought to intrude himself into their households and teach their children manners; that some one, a self-constituted guardian, ought to invade the family, so as to control the disposition and the raising of the children. I have no sympathy with that. One man in this country is the equal of another, so far as his right to regulate his own conduct and the conduct of those for whom he is responsible is concerned. Such people seem to forget the quality of the citizenship of this country. They seem to think that this is a government to be governed only by what they term "the good." The rights of those they term "the bad" are just the same as the rights of those they term "the good." A person of responsible age has a right to keep his money in his own possession, and, in my judgment, it tends to a higher grade of prosperity, a quicker response to opportunity, than when the money is in the bank, on the down slide to the financial centers of speculation.

I like to feel that the community in which I live have their accumulated money in their own grasp, and that it is not subject to the control or the negative shake of the head of a bank cashier. I like to feel that they are enjoying the rights of citizenship—the control of their own property. We sit here and talk about these things as though we were the guardians of people who perhaps understand the Government as well as we do. All the intelligence and the integrity of the American people are not in legislative halls.

There have been as wise and capable figures outside of Congress dealing with this question as there have been in Congress. All of the ability to deal wisely with this question has not been at the head of the Post-Office Department. They are capable gentlemen—men for whom I have the respect that men are entitled to have. They come and go. They are Postmaster-General for a week or two or six months or two or three years. They did not grow up in the business, and I doubt if they have given more attention to the question than Senators on this floor who are participating in its discussion. Why should we look to them for counsel and advice in this matter? What is there in the enumeration of our duties and responsibilities that would justify us in looking to them for the wisdom to guide us in this matter.

Mr. President, so long as my voice or my vote can prevent it there will be no addition to the existing banking system of the United States based upon the principle that it is to be the king pin of the whole financial system, and that it shall have a preferential right in every settlement and adjustment of difficulties over the people who deposit in the banks. I would give no man



in this country a superior right to another in any respect. If he puts his money in a bank, he should have exactly the same right and be subjected to the same risk as another. What! Are you going to give the miser a superior claim as against a merchant in distributing the assets of a bank? I think not. Are these people whose guardians you are going to become so meritorious that they shall have any preferential rights as against the candid, open, responsible business world? I think not. The fact is, with all the enumeration of the men and the bodies of men who have considered this question, there has not been recited a single instance of special qualifications on the part of any man whose judgment is relied on.

I would rather take the judgment of the Senator from Montana than the judgment of any man who ever occupied the position of Postmaster-General of the United States, and I would rather take the judgment of the Senate of the United States than the judgment of any body of men in the world upon this question. But we will have to bow to the judgment of the Congress of the United States, because the Congress of the United States is the United States Government.

Mr. President, why should we protect the deposits of this class of undesirable citizens—because if the charges against them are sustained that is what they are? Why should we make their deposits sacred from taxation? Why should we exempt them from their liability to attachment, to execution under the law? Why should we protect the deposits of this undesirable class of citizens from whom we are to wrest their savings and take possession of them as their guardians? Why should we give them special favors and benefits under the law by exempting their deposits from taxation and liability to attachment and the other things from which they are exempted? Why do we not exempt the money of the man who is doing business and adding to the prosperity of the country, if we are going to exempt anybody? I am not in favor of exempting any man's money from the burdens and the responsibility which the law places upon it. But I certainly am not going to vote for any bill that proposes to exempt this fund, real or imaginary—and no man knows how much of it is real and how much of it is imaginary—from the burdens that other men's property bear, in response, if I may be permitted to say, although it is not very parliamentary, to a half-baked sentiment.

I will not slander the Congress by saying we have in the past or will in the future give the country unwise legislation for want of intelligent consideration; but I feel justified in uttering a warning against it on this occasion because of the urgent, persistent demand that a vote shall be taken to-day on this bill or some amendment to it.

The amendment the Senator from Iowa [Mr. CUMMINS] offers, which provides for the striking out of section 10 and inserting a new section 10 in place of section 11, raises an entirely new question and presents an entirely different system. There are some features of it which would commend themselves to me if they were not coupled with the general plan of borrowing one man's money to loan it to another.

I understand the Senator from Illinois [Mr. CULLOM] desires to move an executive session.

Mr. CULLOM. I do.

Mr. HEYBURN. I yield for that purpose.

#### EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Illinois that the Senate proceed to the consideration of executive business. [Putting the question.] The Chair is of the impression that the ayes have it.

Mr. BURKETT. A division, Mr. President.

Mr. CULLOM. I will say to Senators that no treaty is to be taken up, if that is the objection.

The question was put; and there were on a division—ayes 18, noes 9, no quorum voting.

Mr. CULLOM. I ask for a call of the Senate.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ankeny	Crane	Guggenheim	Page
Bacon	Culberson	Hemenway	Paynter
Bailey	Cullom	Heyburn	Piles
Beveridge	Cummins	Johnston	Rayner
Borah	Curtis	Kean	Simmons
Bourne	Dick	La Follette	Smoot
Brandeggee	Dixon	Lodge	Sutherland
Briggs	du Pont	McCreary	Taylor
Brown	Elkins	McCumber	Teller
Burkett	Flint	McEnery	Warner
Burnham	Foster	McLaurin	Warren
Burrows	Frazier	Martin	Wetmore
Carter	Frye	Milton	
Clark, Wyo.	Fulton	Nixon	
Clay	Gore	Owen	

The VICE-PRESIDENT. Fifty-seven Senators have answered to their names. A quorum of the Senate is present. The question recurs on agreeing to the motion of the Senator from Illinois that the Senate proceed to the consideration of executive business. [Putting the question.] The ayes seem to have it.

Mr. BURKETT and Mr. CARTER demanded a division; and the Senate proceeded to divide.

Mr. BURKETT. We may as well have the yeas and nays.

Mr. CULLOM. If there is any trouble about the matter, I will withdraw the motion. There is very little to be done in executive session, but some Senators wish to have certain nominations acted upon.

The VICE-PRESIDENT. Does the Senator insist upon his motion or does he withdraw it?

Mr. CULLOM. I insist upon it, in view of the statement I have made, and I will let the Senate determine the question.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Illinois that the Senate proceed to the consideration of executive business, on which the yeas and nays are demanded.

The yeas and nays were ordered.

The Secretary called the roll, and the result was announced—yeas 39, nays 16, as follows:

#### YEAS—39.

Bacon	Cullom	Heyburn	Page
Bailey	Dick	Johnston	Paynter
Bourne	Elkins	Kean	Rayner
Brandeggee	Frazier	Lodge	Richardson
Briggs	Frye	McCreary	Smoot
Burnham	Fulton	McEnery	Sutherland
Burrows	Gallinger	McLaurin	Teller
Clark, Wyo.	Gary	Martin	Warren
Clay	Guggenheim	Milton	Wetmore
Crane	Hemenway	Nixon	

#### NAYS—16.

Borah	Cummins	La Follette	Piles
Brown	Curtis	McCumber	Simmons
Burkett	du Pont	Nelson	Taylor
Carter	Flint	Overman	Warner

#### NOT VOTING—37.

Aldrich	Depew	Hopkins	Scott
Ankeny	Dillingham	Kittredge	Smith, Md.
Bankhead	Dixon	Knox	Smith, Mich.
Beveridge	Dolliver	Long	Stephenson
Bulkeley	Foraker	Money	Stone
Clapp	Foster	Newlands	Taliaferro
Clarke, Ark.	Gamble	Owen	Tillman
Culberson	Gore	Penrose	
Daniel	Hale	Perkins	
Davis	Hansbrough	Platt	

So the motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened.

#### PENSION BILLS.

Mr. McCUMBER. I ask unanimous consent that the Senate now proceed to the consideration of unobjected pension bills upon the calendar and that no other business be transacted during the remainder of the day.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that the Senate proceed to the consideration of unobjected pension bills on the calendar and that no other business be transacted. Without objection, it is so ordered, and the Secretary will announce the first pension bill on the calendar.

The bill (H. R. 24831) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 13, after line 19, to strike out:

The name of Leander E. Baldwin, late of Company C, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, line 24, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Ezer D. Largent, late of Independent Company, Denison Guards, Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 20, before the word "dollars," to strike out "forty-five" and insert "forty," so as to make the clause read:

The name of James H. Easley, late first lieutenant Company E, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 23, before the word "dollars," to strike out "forty-five" and insert "forty," so as to make the clause read:

The name of John A. Walsh, late quartermaster-sergeant Twelfth Regiment, and lieutenant-colonel Fifty-sixth Regiment New York State Militia, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, after line 12, to strike out:

The name of Orestes L. Strong, late of Company F, One hundred and fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

Mr. McCUMBER. The beneficiary has died since the bill passed the House.

The amendment was agreed to.

Mr. McCUMBER. On page 26 I move to strike out lines 21 to 24, inclusive, in the following words:

The name of William H. Dorrance, late of Company K, Twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, after line 8, to strike out:

The name of Thomas E. Jacobs, late of Company B, Fourth Battalion District of Columbia Militia Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 35, line 18, before the word "dollars," to strike out "twenty-four" and insert "thirty-six," so as to make the clause read:

The name of Jacob L. Parker, late of Company A, Tenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 25391) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 19, line 8, before the word "dollars," to strike out "thirty" and insert "forty," so as to make the clause read:

The name of Elizabeth Sanderson, widow of Thomas W. Sanderson, late lieutenant-colonel and colonel Tenth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, after line 8, to strike out:

The name of Benjamin F. Rantz, late of Company C, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 39, after line 14, to strike out:

The name of Francis Heath, late of Company E, One hundred and fifty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 43, after line 16, to strike out:

The name of Benajah E. Smith, late of Company A, Twenty-first Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 44, line 23, before the word "dollars," to strike out "forty-five" and insert "forty," so as to make the clause read:

The name of Nicholas C. Buswell, late lieutenant-colonel, Ninety-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 48, after line 12, to strike out:

The name of Lewis Carlbino, late of Company G, Sixtieth Regiment New York Volunteer Infantry, and Company A, Seventh Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 49, after line 20, to strike out:

The name of Stephen D. Compton, late of Company E, Fiftieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (S. 9067) to grant pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of said soldiers was considered as in Committee of the Whole. It proposes to pension the following persons at the rate per month named:

Simeon F. Dickinson, late first lieutenant Company E, Second Regiment Michigan Volunteer Cavalry, \$30.

Elmira S. Tupper, widow of George W. Tupper, late of Company E, First Regiment New Hampshire Volunteer Heavy Artillery, \$12.

William J. Irvine, late of Company B, Denver City Home Guards, Colorado Volunteer Infantry, \$20.

John Reed, late of Company E, Fifty-first Regiment Illinois Volunteer Infantry, \$30.

Richard H. Tombaugh, late of Twenty-sixth Independent Battery, Ohio Volunteer Light Artillery, \$30.

Louis N. Lafontisee, late of Company A, Ninety-second Regiment, and Company D, Ninety-sixth Regiment, New York Volunteer Infantry, \$24.

Samuel P. Leith, late of Company C, Ninety-eighth Regiment Illinois Volunteer Infantry, \$30.

Herman J. Wall, late of Company M, Twenty-first Regiment New York Volunteer Cavalry, \$30.

John Frazer, late of Company G, Thirty-fifth Regiment Illinois Volunteer Infantry, \$30.

John S. Hall, late of Company I, Twenty-seventh Regiment Illinois Volunteer Infantry, \$30.

Malinda Wood, helpless and dependent child of John H. Wood, late of Company A, Ninth Regiment Kansas Volunteer Cavalry, \$12.

Benjamin F. Martz, late captain Company E, Fifty-seventh Regiment U. S. Colored Volunteer Infantry, \$30.

William Crawford, late of Company D, Third Regiment Iowa Volunteer Cavalry, \$30.

Girden C. Day, late of Company C, Sixty-ninth Regiment Illinois Volunteer Infantry, \$20.

John A. Wier, late of Company G, Seventh Regiment Kansas Volunteer Cavalry, \$30.

Thomas H. Wells, late of Company F, Ninety-third Regiment New York Volunteer Infantry, \$24.

Conrad Seim, late of Company C, Seventy-fifth Regiment Illinois Volunteer Infantry, \$24.

Alfred R. Babb, late of Company G, Seventh Regiment Kansas Volunteer Cavalry, and second lieutenant Company C, Fifty-fifth Regiment U. S. Colored Volunteer Infantry, \$30.

William A. Plantz, late second lieutenant Company E, Forty-sixth Regiment Illinois Volunteer Infantry, \$24.

George W. Parsons, late of Company I, First Regiment Maryland Volunteer Cavalry, \$30.

Joseph B. Graham, late of Company F, Ninety-first Regiment Indiana Volunteer Infantry, \$24.

Robert W. Pool, late of Company I, Fifteenth Regiment Ohio Volunteer Infantry, \$50.

Hezekiah Allen, late of Company E, Twenty-third Regiment Indiana Volunteer Infantry, \$30.

Charles Muller, late of Company G, Second Regiment California Volunteer Cavalry, \$30.

Peter J. Coughlin, late of Company A, First Regiment Potomac Home Brigade Maryland Volunteer Cavalry, \$30.

Mary A. Wampler, dependent mother of William A. Wampler, late of Company C, Sixty-eighth Regiment Illinois Volunteer Infantry, and Company K, Seventeenth Regiment Indiana Volunteer Mounted Infantry, \$12.

John A. Gibson, late of Company E, Thirteenth Regiment West Virginia Volunteer Infantry, \$24.

George W. Morton, late of Company F, Ninth Regiment New Hampshire Volunteer Infantry, \$24.

Bernard W. Fisher, late of Company C, Seventh Regiment West Virginia Volunteer Infantry, \$30.

Richard S. Harrison, late of Company C, Sixteenth Regiment, and Company L, Twelfth Regiment, Kentucky Volunteer Cavalry, \$24.

Maberry Riggs, late of Company H, Eighth Regiment Missouri Volunteer Infantry, \$30.



Martha S. Taylor, widow of Henry S. Taylor, late captain Company H, Third Regiment Kentucky Volunteer Infantry, \$30.  
Cynthia L. Allen, widow of Christopher C. Allen, late of Fifth Independent Battery, Massachusetts Volunteer Light Artillery, \$12.

Mary E. Williams, widow of James M. Williams, late colonel Seventy-ninth Regiment U. S. Colored Volunteer Infantry, and brigadier-general, United States Volunteers, \$30.

Sarah A. Conner, widow of John Conner, late of Company H, Thirty-seventh Regiment Iowa Volunteer Infantry, \$20.

Daniel Martin, late of Company A, Thirty-fourth Regiment Illinois Volunteer Infantry, \$24.

Samuel Campman, late of Company B, One hundred and eighth Regiment Illinois Volunteer Infantry, \$24.

James F. Spencer, late first lieutenant and adjutant, Eleventh Regiment Wisconsin Volunteer Infantry, \$40.

William W. Graves, late captain Company G, Twelfth Regiment Michigan Volunteer Infantry, \$30.

Francis Hale, late of Company H, Twenty-fifth Regiment Connecticut Volunteer Infantry, \$30.

Anna Scofield, widow of Charles H. Scofield, late of Company F, Twenty-second Regiment New York State Militia Infantry, \$12.

William W. Darrow, late of the Eleventh Independent Battery, New York Volunteer Light Artillery, \$30.

Rowena C. Lummis, widow of John Lummis, late of Company D, Eighteenth Regiment Connecticut Volunteer Infantry, \$20.

William H. Nichols, late of Company K, Third Regiment Iowa Volunteer Infantry, \$50.

Edward A. Wyman, late of Company B, First Regiment New Hampshire Volunteer Heavy Artillery, \$24.

Elizabeth A. Nye, widow of George H. Nye, late major and colonel Twenty-ninth Regiment Maine Volunteer Infantry and brevet brigadier-general, United States Volunteers, \$12.

John L. Rushton, late of Company H, Ninth Regiment Maine Volunteer Infantry, \$30.

Charles Dalle, late of Company D, Ninth Regiment Wisconsin Volunteer Infantry, \$30.

James B. Herron, late of Company C, Fourth Regiment Vermont Volunteer Infantry, \$30.

Oscar Perkins, late of Company E, Fourth Regiment New Hampshire Volunteer Infantry, \$24.

Ira H. Thurber, late of Company D, Twelfth Regiment Vermont Volunteer Infantry, \$24.

Barney B. Mattimore, late of Company I, Sixth Regiment Vermont Volunteer Infantry, \$30.

Daniel A. Grosvenor, late of Company C, Third Regiment Ohio Volunteer Infantry, \$30.

Hiram Dice, late of Company C, One hundred and thirty-second Regiment Illinois Volunteer Infantry, \$24.

Joseph H. Owen, late of Company I, Seventh Regiment Missouri State Militia Cavalry, \$24.

Charles F. Chapman, late of Company M, First Regiment Wisconsin Volunteer Heavy Artillery, \$30.

William Oscar Ward, late of Company F, Second Regiment United States Veteran Volunteer Infantry, \$30.

Jacob Hill, late of Company A, Sixth Regiment West Virginia Volunteer Infantry, \$24.

Dilazon D. Holdridge, late first lieutenant and quartermaster, Forty-sixth Regiment Iowa Volunteer Infantry, \$24.

Eva A. Blanchard, widow of William Blanchard, late captain Company D, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, \$20.

Abram Rhinehart, late of Company B, First Regiment New York Volunteer Light Artillery, \$30.

Wales W. Wood, late first lieutenant and adjutant, Ninety-fifth Regiment Illinois Volunteer Infantry, \$24.

John Wickham, late of Company E, One hundred and eighth Regiment New York Volunteer Infantry, \$30.

James A. Light, late of Company H, Third Regiment Iowa Volunteer Cavalry, \$24.

Henry E. Steele, late of Company F, Fifth Regiment West Virginia Volunteer Infantry, \$30.

Rodham Miller, late of Company I, One hundred and forty-third Regiment Illinois Volunteer Infantry, \$24.

Amasa Smith, late of Company H, Sixth Regiment West Virginia Volunteer Infantry, \$30.

Michael Archer, late of Company B, Twenty-fifth Regiment Ohio Volunteer Infantry, and Company C, Twentieth Regiment Veteran Reserve Corps, \$24.

Wallace A. McKinstry, late of Company E, Third Regiment Vermont Volunteer Infantry, \$40.

George Lashus, late of Company G, Third Regiment Maine Volunteer Infantry, \$24.

Lewis Roberts, late of Company C, Ninth Regiment Rhode Island Volunteer Infantry, \$24.

John Donnelly, late of Company C, Eleventh Regiment Rhode Island Volunteer Infantry, \$24.

James W. Bedford, late of Company A, Third Regiment Rhode Island Volunteer Heavy Artillery, \$24.

Henry Deuble, late of Company E, One hundred and seventh Regiment Ohio Volunteer Infantry, \$24.

Moses Bradford, late of Company B, Forty-third Regiment Missouri Volunteer Infantry, \$24.

Cerelle Shattuck, widow of Leander L. Shattuck, late major Ninth Regiment Illinois Volunteer Cavalry, \$20.

Emma C. Orr, widow of Adelbert L. Orr, late unassigned Maine Volunteer Infantry, \$12.

Francis M. Brannon, late of Battery E, First Regiment Tennessee Volunteer Light Artillery, \$30.

William J. Ludley, blind and dependent son of Joseph Ludley, late of Company F, Forty-fifth Regiment Illinois Volunteer Infantry, \$12.

Miranda A. Wheelock, widow of Lewis L. Wheelock, late first lieutenant Company B, and captain Company C, One hundred and sixtieth Regiment New York Volunteer Infantry, \$12.

Edward H. Richards, late of Company B, Thirty-ninth Regiment Ohio Volunteer Infantry, \$30.

George E. Wilkinson, late of Company B, Fifth Regiment Rhode Island Volunteer Heavy Artillery, \$30.

Martin V. Briggs, late of Company K, Fortieth Regiment Pennsylvania Volunteer Infantry, \$30.

Alexander S. Stewart, late second lieutenant Company E, Second Regiment Nebraska Volunteer Cavalry, \$30.

John Farrell, late of Company A, Tenth Regiment Rhode Island Volunteer Infantry, \$24.

James H. Tilman, late of Company G, First Regiment Indiana Volunteer Cavalry, and Company I, Fifty-third Regiment Indiana Volunteer Infantry, \$30.

John Monett, late of Company K, Twenty-sixth Regiment Illinois Volunteer Infantry, \$30.

William O'Brien, late of Company H, Eighth Regiment Pennsylvania Reserve Volunteer Infantry, \$30.

Nathan Dodge, late of Company E, Thirteenth Regiment, and Company E, Seventh Regiment, Vermont Volunteer Infantry, \$24.

Frank G. Treash, late of Company E, One hundred and fifteenth Regiment Ohio Volunteer Infantry, \$30.

Charles G. Allen, late captain Company D, Fourteenth Regiment U. S. Colored Volunteer Heavy Artillery, \$40.

Margaret E. Colby, widow of Jonas P. Colby, late of Company H, Thirteenth Regiment Wisconsin Volunteer Infantry, \$30.

John E. Rogers, late of Company G, Thirty-second Regiment Wisconsin Volunteer Infantry, \$30.

Charles H. Wells, late of Company B, One hundred and sixth Regiment New York Volunteer Infantry, \$30.

Sylvia Housiaux, late nurse, Medical Department, U. S. Volunteers, and widow of John Housiaux, late of Troop K, Fifth Regiment U. S. Cavalry, \$24.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (H. R. 25806) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 1, line 11, before the word "National," to strike out "Regiment," so as to make the clause read:

The name of John W. Hays, late of Company B, National Guard of East Tennessee, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 9, after line 10, to strike out:

The name of Jerome A. Schutt, late of Company B, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, after line 8, to strike out:

The name of Erastus Barry, late acting second assistant engineer, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, line 25, before the word "dollars," to strike out "twenty" and insert "thirty," so as to make the clause read:

The name of Ellen T. Cowen, widow of Benjamin R. Cowen, late major and additional paymaster, United States Volunteers, and pay her

a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 26461) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, after line 6, to strike out:

The name of Thomas R. Harris, late of U. S. S. Princeton, Linda, and Delta, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. CULBERSON. Do I understand that it is agreed that after the passage of these pension bills no further legislative business will be transacted this afternoon?

The VICE-PRESIDENT. It is the understanding that nothing shall be considered except unobjected pension bills.

The next amendment was, on page 18, after line 10, to strike out:

The name of Elry P. Parsons, late of Company H, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 25, after line 8, to strike out:

The name of Andrew Minkler, helpless and dependent child of Levi Minkler, late of Company F, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 31, after line 14, to strike out:

The name of Margaret Hiles, widow of John Hiles, late of Company A, Seventy-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 7474) granting a pension to Charles H. Balch was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, on page 1, after line 8, to insert:

The name of Paul W. Draheim, late of Company K, Second Regiment Wisconsin Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$10 per month.

The name of Della E. Ahern, widow of Timothy J. Ahern, late of Company G, Ninth Regiment Massachusetts Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$12 per month and \$2 per month for each of the minor children of said Timothy J. Ahern until they have reached the age of 16 years.

The name of Gay W. Schell, widow of Franklin J. Schell, late lieutenant, United States Navy, and pay her a pension at the rate of \$35 per month in lieu of that she is now receiving.

The name of Fenimore Ames, late landesman, U. S. S. Hartford, United States Navy, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of John T. Maloney, late of Company F, Fourth Regiment Illinois Volunteer Infantry, war with Spain.

The name of Alexander Iann, late of Company L, Fourth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$20 per month.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Balch, late corporal of Company I, Third Regiment New York Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$30 per month.

The name of Paul W. Draheim, late of Company K, etc.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill granting a pension to Charles H. Balch and others."

The bill (S. 9242) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to the widows and dependent and helpless relatives of such soldiers and sail-

ors was considered as in Committee of the Whole. It proposes to pension the following persons at the rate per month named:

Mary A. Barnum, widow of Joseph H. Barnum, late captain Company H, Sixteenth Regiment Connecticut Volunteer Infantry, \$20.

Simon Collier, late of Company D, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and Company D, Ninth Regiment Veteran Reserve Corps, \$30.

Joseph Kingsbury, late of band, Fifty-first Regiment Illinois Volunteer Infantry, \$24.

Franklin W. McKinley, late of Company L, First Regiment Rhode Island Volunteer Cavalry, \$24.

John W. Foote, helpless and dependent son of Robert Foote, late of Company D, Fifty-ninth Regiment Indiana Volunteer Infantry, \$12.

Elisha Strang, late of Company B, Sixty-second Regiment Illinois Volunteer Infantry, \$24.

Wade H. Powers, late of Company E, Thirty-ninth Regiment Kentucky Volunteer Infantry, \$24.

John Landram, late of Company C, Nineteenth Regiment, and first lieutenant Company A, Seventh Regiment, Kentucky Volunteer Infantry, \$30.

Hugh Brady, late of Company I, Eighty-fourth Regiment Illinois Volunteer Infantry, \$50.

Amos C. Ellsworth, late of Company B, Third Regiment Vermont Volunteer Infantry, and unassigned, Veteran Reserve Corps, \$30.

Cyrus B. Norris, late of Company E, Ninth Regiment New Hampshire Volunteer Infantry, \$30.

John L. Daniels, late of Company I, Thirteenth Regiment Connecticut Volunteer Infantry, \$24.

John H. Cooper, late of Company K, Second Regiment Connecticut Volunteer Heavy Artillery, \$30.

Charles Dominick, late of Company L, First Regiment Pennsylvania Provisional Volunteer Cavalry, \$30.

William A. Gunn, late of Company K, Thirteenth Regiment, and Company H, Sixty-sixth Regiment, Ohio Volunteer Infantry, \$30.

Nancy Jane Frazee, widow of John J. Frazee, late of Company E, Seventh Regiment Iowa Volunteer Cavalry, \$12.

William S. Marriott, late of Company E, Eighth Regiment Iowa Volunteer Cavalry, \$24.

Joseph C. Flickinger, late of Company F, Fourth Regiment, and Company K, Seventy-first Regiment, Ohio Volunteer Infantry, \$30.

Robert S. Wharton, late second lieutenant Company A, Second Regiment Pennsylvania Volunteer Heavy Artillery, \$30.

Eliza A. Morrill, widow of Henry C. Morrill, late of Company C, Twenty-ninth Regiment Iowa Volunteer Infantry, \$20.

Walter A. De La Matyr, late captain of Company K, Twenty-ninth Regiment Wisconsin Volunteer Infantry, \$36.

William T. Hubbell, late of Company I, Thirty-second Regiment Ohio Volunteer Infantry, \$24.

Sarah T. Young, widow of Thomas Young, late first lieutenant Company D, Fifth Regiment New York Volunteer Heavy Artillery, \$25.

John W. Hewitt, late of Company G, Sixth Regiment Iowa Volunteer Cavalry, \$24.

Matthew Donahoe, late of Companies G and H, Seventh Regiment Rhode Island Volunteer Infantry, \$24.

Mary L. Morrow, widow of William Morrow, late captain Company D, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, \$20.

Horace R. Butts, late of Battery H, First Regiment Rhode Island Volunteer Light Artillery, \$30.

Andrew C. McMaken, late of Company A, First Regiment Nebraska Volunteer Cavalry, \$30.

James Donovan, late of Company F, Eleventh Regiment, and Company I, Twenty-ninth Regiment, Maine Volunteer Infantry, \$30.

George Searles, late of Company N, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and Company K, Third Regiment Pennsylvania Volunteer Heavy Artillery, \$30.

Alfred C. Hawley, late first lieutenant Company I, Eleventh Regiment Minnesota Volunteer Infantry, \$30.

Samuel W. Wallis, late of Company H, One hundred and fiftieth Regiment Illinois Volunteer Infantry, and Company C, Twenty-second Regiment Veteran Reserve Corps, \$24.

Henry W. Smith, late of Company A, Forty-fifth Regiment Missouri Volunteer Infantry, \$24.

George T. Anderson, late of Company F, Sixteenth Regiment Wisconsin Volunteer Infantry, \$24.



Robert Hodge, late of Company C, Eighty-first Regiment New York Volunteer Infantry, \$30.

Frederick Geiger, late second lieutenant Company K, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, \$30.

Esther A. Turner, widow of Isaac D. Turner, late of Companies C and M, First Regiment Connecticut Volunteer Cavalry, \$20, and \$2 per month additional on account of the minor child of said Isaac D. Turner until he reaches the age of 16 years.

Henry H. Manley, late of Fourth Independent Battery, Wisconsin Volunteer Light Artillery, \$24.

James R. Werts, late of Company C, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, \$24.

David W. Dale, late of Company D, Sixty-first Regiment Pennsylvania Volunteer Infantry, \$36.

Ezra J. Yingling, late of Company F, Third Regiment, Potomac Home Brigade, Maryland Volunteer Infantry, \$12.

John H. Brandenburg, late of Company D, Eighth Regiment Kentucky Volunteer Infantry, \$30.

Sarah Couch, widow of William Couch, late of Company A, Thirty-first Regiment Massachusetts Volunteer Infantry, \$20.

George Whitson, late of Company B, Thirty-sixth Regiment Wisconsin Volunteer Infantry, \$30.

Eliza C. Clark, widow of William C. Clark, late captain Company A, First Regiment Maine Volunteer Heavy Artillery, \$30.

Bridget Maker, widow of Henderson P. Maker, late of Company C, Coast Guards, Maine Volunteer Infantry, \$12.

Samuel H. Freer, late of Company I, Ninth Regiment New York Volunteer Cavalry, \$24.

Joseph M. Rees, late of Company G, Eighty-ninth Regiment Indiana Volunteer Infantry, \$30.

Emily J. Cory, widow of Abraham M. Cory, late acting assistant surgeon, United States Army, \$12.

Daniel R. Firman, late first lieutenant Company C, First Battalion Nevada Volunteer Cavalry, \$24.

Charles L. White, late of Company A, Forty-fifth Regiment Iowa Volunteer Infantry, \$20.

Nancy J. Martin, widow of Thomas H. Martin, late of Company F, Sixty-third Regiment Pennsylvania Volunteer Infantry, \$20.

Eliza Mills, widow of Thomas A. Mills, late first lieutenant Company E, Fourth Regiment Maryland Volunteer Infantry, \$25.

Arthur W. Smith, late of Company E, Twenty-ninth Regiment Maine Volunteer Infantry, \$12.

John Burton, late of Company B, One hundredth Regiment Indiana Volunteer Infantry, \$30.

Joshua Foster, late of Company C, Twenty-fourth Regiment, and Company F, Eighteenth Regiment, Ohio Volunteer Infantry, \$24.

William Evans, late of Company B, Twenty-sixth Regiment New York Volunteer Infantry, and Company B, Twenty-fourth Regiment New York Volunteer Cavalry, \$30.

Augustus Wagner, late of Company I, Sixth Regiment Massachusetts Volunteer Infantry, \$40.

William H. Ferris, late of Company H, Twenty-ninth Regiment Wisconsin Volunteer Infantry, \$30.

Ella M. Glass, widow of Henry Glass, late rear-admiral, United States Navy, \$50.

Maggie Wickersham, widow of Casper Wickersham, late of Company G, Second Regiment Pennsylvania Volunteer Infantry, \$12.

William H. Kough, late of Company C, One hundred and eighty-sixth Regiment Pennsylvania Volunteer Infantry, \$30.

Michael White, late of Company A, Eleventh Regiment Rhode Island Volunteer Infantry, \$24.

Francis S. Shove, late of Company H, Ninth Regiment, and Company B, Eleventh Regiment, Rhode Island Volunteer Infantry, \$24.

Albert F. Arnold, late of Company F, Fifth Regiment Rhode Island Volunteer Infantry, \$36.

James C. Burns, late of Company D, Seventh Regiment Wisconsin Volunteer Infantry, \$24.

Cynthia A. Brown, widow of Albert S. Brown, late of Twenty-fourth Battery, Ohio Volunteer Light Artillery, \$12.

Levi Sisco, late of Company C, Ninety-sixth Regiment New York Volunteer Infantry, and Twenty-ninth Company, Second Battalion, Veteran Reserve Corps, \$30.

Carroll B. Beasley, late of Company C, Eighteenth Regiment Illinois Volunteer Infantry, and Company K, Thirteenth Regiment Illinois Volunteer Cavalry, \$30.

Samuel M. McAnally, late of Company I, Sixth Regiment Illinois Volunteer Cavalry, \$24.

William Minix, late of Company D, Fourteenth Regiment Kentucky Volunteer Infantry, \$24.

William H. Grafton, late of Company C, Eighty-second Regiment, and Company H, One hundred and seventy-ninth Regiment, Ohio Volunteer Infantry, \$24.

Daniel L. Ordway, late of Company I, Seventh Regiment, New Hampshire Volunteer Infantry, \$24.

Henry A. Read, late major Ninety-ninth Regiment Pennsylvania Volunteer Infantry, \$30.

Lucy P. Hicks, widow of James W. Hicks, late of Company F, Eighteenth Regiment Connecticut Volunteer Infantry, \$20.

Amanda Green, widow of Spencer Green, late of Company A, One hundred and twenty-first Regiment U. S. Colored Volunteer Infantry, and Company G, Thirteenth Regiment U. S. Colored Volunteer Heavy Artillery, \$12.

Hiram A. Wilson, alias Hiram A. Bass, late of Company I, Fifteenth Regiment New York Volunteer Cavalry, \$24.

Mary H. Wham, widow of Joseph W. Wham, late first lieutenant Company G, Twenty-first Regiment Illinois Volunteer Infantry, and major and paymaster, United States Army, \$25.

Nora C. Calhoun, widow of James T. Calhoun, late assistant surgeon, United States Army, \$30.

William H. Douglas, late of Company C, One hundred and forty-fourth Regiment New York Volunteer Infantry, \$30.

Martin Maginnis, late second lieutenant Company F, First Regiment, and major, Eleventh Regiment, Minnesota Volunteer Infantry, \$50.

Thomas E. Glass, late of U. S. S. *North Carolina* and *Thomas Freeborn*, United States Navy, \$30.

John Nelson, late of Company C, Hatch's independent battalion, Minnesota Volunteer Cavalry, \$30.

James Enloe, late second lieutenant Company F, Ninth Regiment Provisional Enrolled Missouri Militia, \$24.

William Clarke, late of Company F, Ninety-first Regiment New York Volunteer Infantry, \$24.

William J. Allen, late first lieutenant Company E, One hundred and twenty-third Regiment Indiana Volunteer Infantry, \$30.

Abby A. Thompson, widow of Samuel Thompson, late of Company K, Eighteenth Regiment New Hampshire Volunteer Infantry, \$12.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (H. R. 26746) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, after line 11, to strike out:

The name of Will P. Hall, late of Company I, Seventeenth Regiment U. S. Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 3, line 7, before the word "dollars," to strike out "twenty" and insert "twelve," so as to make the clause read:

The name of Albert Werner, late of Battery N, First Regiment U. S. Artillery, war with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

Mr. WARREN. I desire to amend the bill, on page 4, line 3, by striking out the word "sixteen," before "dollars," and inserting "thirty," so as to read:

The name of Dennis Driscoll, late of Troop I, Second Regiment U. S. Cavalry, and pay him a pension at the rate of \$30 per month.

Mr. Driscoll's service was of a very hard nature and very valuable to the United States.

Mr. McCUMBER. If the Senator will agree to be satisfied with a pension of \$24 a month, I will consent to that raise. While it was rather hard service, he was not in the civil war, and we do make a distinction in the amounts that are granted to veterans of the civil war over and above those who enlisted a considerable time afterwards.

Mr. WARREN. Of course I know what the Senator says must be true. This man was in 46 Indian battles within the first six months of his service. If it is true that \$24 is as much as can be allowed under the circumstances, I shall accept that modification of the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wyoming, as modified.

The amendment, as modified, was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The VICE-PRESIDENT. This seems to complete the pension bills on the calendar.

Mr. McCUMBER. I move that the Senate adjourn.

Mr. GORE. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. I withdraw the motion for a moment.

#### CENTENARY OF THE BIRTH OF ABRAHAM LINCOLN.

Mr. GORE. Mr. President, I desire to make a parliamentary inquiry.

Several days ago House joint resolution 247, relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln, and making the 12th day of February, 1909, a legal holiday, and for other purposes, was passed by the Senate. The joint resolution was amended in the Senate by inserting a provision in regard to a memorial road to Gettysburg. I am not officially advised, but I understand that amendment has not been and will not be agreed to by the House. If I am in order, I desire to move to recall the joint resolution from the House.

The VICE-PRESIDENT. The understanding was that no business should be considered except unobjected pension bills. The Chair is of the opinion that a motion such as the Senator from Oklahoma desires to make would be in contravention of the understanding.

Mr. McCUMBER. I understand that under the unanimous-consent agreement nothing can be considered except the pension bills.

Mr. GORE. Very well.

Mr. McCUMBER. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, February 11, 1909, at 12 o'clock m.

#### NOMINATIONS.

*Executive nominations received by the Senate February 10, 1909.*

##### CONSUL-GENERAL.

Robert E. Mansfield, of Indiana, now consul of class 4 at St. Gall, to be consul-general of the United States of class 5 at Zurich, Switzerland, vice Hector de Castro, deceased.

##### CONSULS.

Dominic I. Murphy, of the District of Columbia, now consul of class 5 at Bordeaux, to be consul of the United States of class 4 at St. Gall, Switzerland, vice Robert E. Mansfield, nominated to be consul-general of class 5 at Zurich.

Alfred K. Moe, of New Jersey, now consul of class 5 at Dublin, to be consul of the United States of class 5 at Bordeaux, France, vice Dominic I. Murphy, nominated to be consul of class 4 at St. Gall.

Thomas P. Moffat, of New York, now consul of class 7 at La Guaira, to be consul of the United States of class 7 at Trinidad, West Indies, vice William W. Handley, promoted to be consul-general of class 5 at Boma.

Isaac A. Manning, of Oregon, now consul of class 9 at Cartagena, to be consul of the United States of class 7 at La Guaira, Venezuela, vice Thomas P. Moffat, nominated to be consul of class 7 at Trinidad.

##### SECRETARY OF PUBLIC INSTRUCTION.

Newton W. Gilbert, of Indiana, to be secretary of public instruction in the government of the Philippine Islands, to be effective March 1, 1909, vice W. Morgan Shuster, whose resignation has been accepted to take effect on that date.

##### SURVEYOR OF CUSTOMS.

Robert B. Junk, of Iowa, to be surveyor of customs for the port of Burlington, in the State of Iowa, in place of George H. Ludde, deceased.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 10, 1909.*

##### CONSUL.

Stuart K. Lupton, of Tennessee, to be consul of class 7 at Catania, Italy.

##### PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Asst. Surg. Joseph Pettyjohn to be passed assistant surgeon in the Public Health and Marine-Hospital Service.

Asst. Surg. Francis H. McKeon to be passed assistant surgeon in the Public Health and Marine-Hospital Service.

Asst. Surg. Eugene H. Mullan to be passed assistant surgeon in the Public Health and Marine-Hospital Service.

Asst. Surg. Wade H. Frost to be passed assistant surgeon in the Public Health and Marine-Hospital Service.

##### APPRAISER OF MERCHANDISE.

John D. Pringle, of Pennsylvania, to be appraiser of merchandise in the district of Pittsburgh, Pa.

##### POSTMASTERS.

###### ARKANSAS.

John W. Terry, at Marvell, Ark.  
James W. Willoughby, at McGehee, Ark.

###### INDIANA.

Solomon C. Dickey, at Winona Lake, Ind.

###### MINNESOTA.

J. B. Pallansch, at Albany, Minn.

###### MONTANA.

George W. Crane, at Fort Benton, Mont.

###### NEBRASKA.

Albert W. Searl, at Elwood, Nebr.

###### NORTH DAKOTA.

Charles Lano, at Mohall, N. Dak.

###### OHIO.

Milton B. Dickerson, at Marion, Ohio.

###### OKLAHOMA.

William N. Walker, at Stillwater, Okla.

###### PENNSYLVANIA.

William C. Smith, at Dunbar, Pa.

###### SOUTH DAKOTA.

Lenore Green, at Kadoka, S. Dak.  
Philip Schamber, at Eureka, S. Dak.

#### WITHDRAWAL.

*Executive nomination withdrawn from the Senate February 10, 1909.*

W. E. Singleton to be postmaster at Mansfield, in the State of Louisiana.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 10, 1909.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, offered the following prayer:

Infinite and Eternal Spirit, never very far from any of us, we would draw near to Thee after the manner of the world's great Exemplar that we may receive abundantly that life which quickens, ennobles, and enlarges the soul's capacity for righteousness, truth, justice, honesty, and integrity.

We thank Thee for the object lesson which will be afforded the world here to-day of American honesty and integrity in the selection of a President and Vice-President of our Republic. Let Thy richest blessings descend upon those who shall be selected, that they may honor their respective offices by a wise, faithful, and efficient service to their country, and we will ascribe all praise to Thee, for Thine is the kingdom and the power and the glory forever and ever. Amen.

The Journal of the proceedings of yesterday was read and approved.

##### PANAMA CANAL ZONE.

The SPEAKER. The question is on the passage of the bill under consideration yesterday upon which the previous question was ordered.

Mr. HARDWICK. Mr. Speaker, on the passage of the bill I demand the yeas and nays.

The yeas and nays were ordered.

Mr. WALDO. Mr. Speaker, let the Clerk read the title to the bill.

The SPEAKER. The Clerk will read the title to the bill.



The Clerk read as follows:

The bill (H. R. 27250) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes.

The question was taken; and there were—yeas 203, nays 101, answered "present" 9, not voting 73, as follows:

## YEAS—203.

Acheson	Douglas	Huff	Nye
Adair	Draper	Hull, Iowa	Olcott
Adamson	Driscoll	Humphrey, Wash.	Olmsted
Alexander, Mo.	Edwards, Ky.	Humphreys, Miss.	Overstreet
Alexander, N. Y.	Ellis, Mo.	James, Addison D.	Padgett
Allen	Ellis, Oreg.	Jenkins	Parker
Anthony	Englebright	Jones, Wash.	Parsons
Barchfeld	Esch	Kahn	Payne
Barclay	Fairchild	Kennedy, Iowa	Pearre
Bartholdt	Floyd	Kennedy, Ohio	Perkins
Bartlett, Ga.	Foelker	Kinkaid	Pollard
Beale, Pa.	Foss	Knapp	Porter
Bede	Foster, Ind.	Knopf	Pray
Bennet, N. Y.	Foster, Vt.	Knowland	Prince
Bennett, Ky.	Foulkrod	Kustermann	Ransdell, La.
Bingham	French	Landis	Reynolds
Birdsall	Fuller	Langley	Roberts
Bonyne	Gaines, W. Va.	Lanier	Robinson
Routell	Gardner, Mass.	Law	Rodenberg
Boy	Gilliams	Lawrence	Russell, Tex.
Broussard	Gillespie	Lindbergh	Ryan
Brownlow	Gillet	Lindsay	Scott
Burke	Goebel	Livingston	Shackleford
Burleson	Goulden	Longworth	Smith, Cal.
Burton, Del.	Graff	Loud	Smith, Iowa
Butler	Greene	Loudenslager	Smith, Mo.
Calder	Gregg	Lowder	Snapp
Calderhead	Gronna	McCreary	Sperry
Caldwell	Guernsey	McGavin	Stafford
Campbell	Hackney	McGuire	Stevens
Capron	Haggott	McLachlan, Cal.	Stevens, Minn.
Caulfield	Hale	McLaughlin, Mich.	Sturgiss
Chaney	Hall	McMillan	Sulloway
Chapman	Hamill	Madden	Swasey
Cockran	Hamilton, Mich.	Madison	Tawney
Cocks, N. Y.	Hammond	Malby	Taylor, Ala.
Cole	Harding	Mann	Thistlewood
Cook, Colo.	Haskins	Marshall	Thomas, Ohio
Cook, Pa.	Haugen	Martin	Tirrell
Cooper, Pa.	Hawley	Miller	Townsend
Cooper, Tex.	Hayes	Mondell	Volstead
Crumppacker	Henry, Conn.	Moore, Pa.	Waldo
Currier	Hepburn	Moore, Pa.	Wanger
Cushman	Hill, Conn.	Morse	Washburn
Dalzell	Hinschaw	Mouser	Watkins
Darragh	Hobson	Mudd	Watson
Davis	Holliday	Murdock	Weeks
Dawson	Howell, N. J.	Needham	Wheeler
De Armond	Howell, Utah	Nelson	Wilson, Ill.
Denby	Hubbard, W. Va.	Norris	Woodyard
Diekema			

## NAYS—101.

Alken	Ferris	Johnson, S. C.	Rauch
Ansberry	Finley	Jones, Va.	Reid
Ashbrook	Fitzgerald	Keifer	Rhinock
Beall, Tex.	Flood	Kipp	Richardson
Booher	Fornes	Kitchin	Rothermel
Bowers	Foster, Ill.	Lamb	Rucker
Brantley	Fulton	Lee	Russell, Mo.
Brodhead	Garner	Lenahan	Sabath
Brundidge	Garrett	Lever	Sheppard
Burgess	Gill	Lloyd	Sherley
Burnett	Gordon	McDermott	Sims
Byrd	Hackett	McHenry	Slayden
Candler	Hamilton, Iowa	McLain	Small
Carlin	Hardwick	Macon	Smith, Tex.
Carter	Hardy	Maynard	Sparkman
Clark, Mo.	Harrison	Moore, Tenn.	Spight
Clayton	Hay	Moore, Tex.	Stanley
Cox, Ind.	Heflin	Murphy	Thomas, N. C.
Craig	Helm	Nicholls	Tou Velle
Cravens	Henry, Tex.	O'Connell	Underwood
Crawford	Hitchcock	Page	Wallace
Davenport	Houston	Patterson	Webb
Denver	Hughes, N. J.	Peters	Williams
Dixon	Hull, Tenn.	Pou	
Edwards, Ga.	James, Ollie M.	Rainey	
Ellerbe	Johnson, Ky.	Randell, Tex.	

## ANSWERED "PRESENT"—9.

Barnhart	Cary	Higgins	Stephens, Tex.
Bartlett, Nev.	Cousins	Sherman	Sterling
Bell, Ga.			

## NOT VOTING—73.

Ames	Focht	Kimball	Sherwood
Andrus	Fordney	Lafean	Slemp
Bannon	Fowler	Lamar, Fla.	Smith, Mich.
Bates	Gaines, Tenn.	Lamar, Mo.	Southwick
Bradley	Gardner, Mich.	Lassiter	Sulzer
Burleigh	Gardner, N. J.	Leake	Talbott
Burton, Ohio	Glass	Legare	Taylor, Ohio
Cassel	Godwin	Lewis	Vreeland
Clark, Fla.	Goldfogle	Lorimer	Weems
Conner	Graham	McCall	Weisse
Cooper, Wis.	Granger	McKinlay, Cal.	Wiley
Coudrey	Griggs	McKinley, Ill.	Willett
Davidson	Hamlin	McKinney	Wilson, Pa.
Dawes	Hill, Miss.	McMorran	Wolf
Durey	Howard	Pratt	Wood
Dwight	Hubbard, Iowa	Pujo	Young
Estopinal	Hughes, W. Va.	Reeder	
Fassett	Jackson	Riordan	
Favrot	Keliber	Saunders	

So the bill was passed.

The following pairs were announced:

For the session:

Mr. SHERMAN with Mr. RIORDAN.

Mr. McMorran with Mr. PUJO.

Until further notice:

Mr. AMES with Mr. CLARK of Florida.

Mr. BRADLEY with Mr. GAINES of Tennessee.

Mr. BURLEIGH with Mr. GLASS.

Mr. BURTON of Ohio with Mr. GOLDFOGLE.

Mr. CARY with Mr. FAVROT.

Mr. COUDREY with Mr. GRANGER.

Mr. DAVIDSON with Mr. GRIGGS.

Mr. DAWES with Mr. HOWARD.

Mr. DWIGHT with Mr. KELIHER.

Mr. FASSETT with Mr. KIMBALL.

Mr. FOCHT with Mr. LAMAR of Florida.

Mr. FORDNEY with Mr. LAMAR of Missouri.

Mr. GRAHAM with Mr. LASSITER.

Mr. HUGHES of West Virginia with Mr. LEGARE.

Mr. LAFEAN with Mr. LEWIS.

Mr. MCKINNEY with Mr. PRATT.

Mr. SLEMP with Mr. SAUNDERS.

Mr. SMITH of Michigan with Mr. SHERWOOD.

Mr. SOUTHWICK with Mr. WEISSE.

Mr. STERLING with Mr. WILEY.

Mr. TAYLOR of Ohio with Mr. WILLETT.

Mr. YOUNG with Mr. WOLF.

Mr. VREELAND with Mr. WILSON of Pennsylvania.

Mr. MCKINLAY of California with Mr. BARTLETT of Nevada.

Mr. MCCALL with Mr. BELL of Georgia.

Mr. LORIMER with Mr. LEAKE.

Mr. ANDRUS with Mr. SULZER.

Mr. BATES with Mr. HILL of Mississippi.

Mr. MCKINLEY of Illinois with Mr. GODWIN.

Mr. HARDING with Mr. TALBOTT.

Mr. GARDNER of Michigan with Mr. BARNHART.

Mr. CASSEL with Mr. HAMLIN.

Mr. WOOD with Mr. ESTOPINAL.

On this vote:

Mr. COOPER of Wisconsin with Mr. STEPHENS of Texas.

The result of the vote was announced as above recorded.

On motion of Mr. MANN, a motion to reconsider the last vote was laid on the table.

## ABRAHAM LINCOLN.

Mr. MCCALL. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of House joint resolution 254, creating a commission to recommend a design and site for a monument or monumental memorial to Abraham Lincoln, and for other purposes, and consider the same in the House at this time, which House joint resolution I send to the desk and ask to have read.

The Clerk read as follows:

## House joint resolution 254.

*Resolved, etc.*, That the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House of Representatives, the Secretary of War, the Superintendent of the United States Capitol Building and Grounds; Daniel S. Burnham, of Evanston, Ill.; Charles F. McKim and John M. Carrere, both of New York City, be, and they hereby are, created a commission to prepare, or approve of, a general design for a monument or monumental memorial to be erected to Abraham Lincoln in the city of Washington, said monument or monumental memorial to cost, exclusive of the site, about, but not exceeding, the sum of \$1,250,000, and to consider the selection of a suitable site for said monument or monumental memorial; and that the said commission report to Congress on the first Monday in December, 1909, concerning the design and the site for such monument or monumental memorial.

Sec. 2. That to enable the commission to carry out the purposes of this act, the expenditure of \$10,000, or so much thereof as may be necessary, is hereby authorized. The members of the said commission shall serve without compensation, but shall be paid their necessary traveling expenses; and disbursements made under this act shall be made by the Secretary of the Interior on vouchers approved by the Superintendent of the United States Capitol Building and Grounds as the appropriations for the Capitol building are approved and disbursed.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Massachusetts [Mr. McCALL] if he receives unanimous consent for the consideration of this resolution, he proposes to allow debate on it and amendment?

Mr. MCCALL. Well, Mr. Speaker, the matter would scarcely be in my control to that extent. I would say that this resolution has the simple purpose of creating a commission for the purpose of taking preliminary steps which may result in erecting in the city of Washington a monument to Abraham Lincoln. It does not involve the question whether some highway or some other monument be built outside of the city of Washington.

Mr. UNDERWOOD. I have no objection to the gentleman's resolution at all, but I want to know whether, if he receives unanimous consent for its consideration now, he proposes to choke off debate and choke off consideration, or whether he is going to allow an opportunity for debate and for amendment.

Mr. McCALL. I have not any desire to shut off debate. As for the proposition, it is a simple one. The gentleman from Alabama [Mr. UNDERWOOD] yesterday insisted upon complicating a resolution to make the one-hundredth anniversary of the birth of Abraham Lincoln a holiday with an independent and different proposition, and the result is that we can not have Friday as a legal holiday. This resolution simply proposes to have a commission consider the question of some suitable design and location in the city of Washington for a memorial to Mr. Lincoln.

Mr. UNDERWOOD. If the gentleman receives unanimous consent, will he allow five minutes' debate on this side?

Mr. McCALL. I certainly will.

Mr. OLMSTED. Mr. Speaker, reserving the right to object, I would ask whether the adoption of this resolution would not, in effect, practically and substantially cut out the proposition to build a memorial road, or Lincoln Way, from Washington to Gettysburg?

Mr. McCALL. It would not have any such effect. If that memorial road were built, it seems to me it would still be the duty of the United States to erect in the Capital City some suitable memorial to Abraham Lincoln. He has been dead for nearly half a century. His name is as great as any name in the history of the country. We have our squares and circles thronged with memorials to different generals and statesmen, and there is no memorial at this capital to Abraham Lincoln. This resolution presents simply that naked question.

Mr. OLMSTED. Then, may I ask the gentleman why his committee has not permitted to come before the House for its consideration the amendment put on by the Senate to another resolution providing for a survey of that memorial road to Gettysburg?

Mr. McCALL. This committee has had no control over it. There is now upon the calendar of the Committee of the Whole House a report from this committee, but there is no way of getting at that report except by unanimous consent. I have twice tried to call it up by unanimous consent, and it has been insisted that a certain appropriation should be made for the survey of the highway as a condition precedent to having a holiday on Friday—an entirely different proposition from that. I would say that this highway proposition can be considered separately upon its own merits.

Mr. OLMSTED. Mr. Speaker, I am in favor of a splendid memorial to Abraham Lincoln. I think the whole proposition ought to be considered together, and therefore, for the present, because I think the adoption of this resolution would cut out all further consideration of the Lincoln Way between here and Gettysburg, I object.

The SPEAKER. The gentleman from Pennsylvania objects.

#### IMMIGRATION STATION AT BOSTON, MASS.

Mr. FRENCH. Mr. Speaker, I call up the conference report on the bill (H. R. 13851) providing for a site and the erection of a new immigration station thereon at the city of Boston, Mass., and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman calls up the conference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

#### CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (H. R. 13851) entitled "An act providing for the purchase of a site and the erection of a new immigration station thereon at the city of Boston, Mass.," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House to the amendment of the Senate and agree to the same with an amendment, striking out all the said amendment of the House to the Senate amendment, and inserting:

"Provided, That this act shall not be construed to amend, modify, or repeal joint resolution numbered seventeen authorizing the use and improvement of Castle Island, in Boston Harbor, approved May 1, 1890."

Also, on page 1, line 5, strike out the words "a site now owned by or to be ceded" and insert the words "any site ex-

cept Castle Island now owned or controlled by the Government of the United States or upon any site to be ceded."

And the House agree to the same.

BENJ. F. HOWELL,  
BURTON L. FRENCH,  
JOHN L. BURNETT,

*Managers on the part of the House.*

WILLIAM P. DILLINGHAM,  
H. C. LODGE,  
A. J. McLAURIN,

*Managers on the part of the Senate.*

The Clerk read the statement, as follows:

#### STATEMENT.

The only matter in difference between the two Houses was whether or not Castle Island should be removed from the provisions of the bill. The Senate recedes from its disagreement from the amendment of the House to the Senate amendment and agrees to the bill with an amendment which removes Castle Island from the provisions of the bill, and an amendment which recites that the bill shall not be regarded as disturbing a resolution touching upon the ownership, use, or control of Castle Island.

BENJ. F. HOWELL,  
BURTON L. FRENCH,  
JOHN L. BURNETT,

*Managers on the part of the House.*

Mr. FRENCH. Mr. Speaker, I move the adoption of the conference report.

The conference report was agreed to.

MESSAGE FROM THE PRESIDENT—REPORT OF COMMISSION ON COUNTRY LIFE.

The SPEAKER laid before the House a message from the President, which was read and referred to the Committee on Agriculture.

[For message see proceedings of Senate of yesterday.]

#### COUNTING THE ELECTORAL VOTE.

The SPEAKER. Under the law governing the counting of the electoral vote the Senate will be seated on the right of the Speaker. It has been customary for Members to vacate from the center aisle to the wall the first four rows of seats for the Senate. Gentlemen will be kind enough to vacate those seats and accommodate themselves elsewhere.

At 1 o'clock the Doorkeeper announced the Vice-President and the Senate of the United States.

The Senate entered the Hall, preceded by their Sergeant-at-Arms and headed by the Vice-President and the Secretary of the Senate, the Members and officers of the House rising to receive them.

The Vice-President took his seat as presiding officer of the joint convention of the two Houses, the Speaker of the House occupying the chair on his left.

The PRESIDENT OF THE SENATE. The two Houses of Congress have assembled pursuant to the requirements of the Constitution and the laws of the United States for the purpose of counting the votes of the electors of the several States for President and Vice-President. Agreeably to the well-established practice, the reading of the formal portion of the certificate will be omitted unless there is demand to the contrary. Having ascertained that the certificates are in due form and properly authenticated, the tellers will count and make a list of the electoral votes of the several States in the alphabetical order of the States, beginning with the State of Alabama.

Senators BURROWS and BAILEY, the tellers appointed on the part of the Senate, and Representatives GAINES of West Virginia and RUCKER of Missouri, the tellers on the part of the House, took their places at the Clerk's desk.

Mr. BURROWS (one of the tellers). Mr. President, from the duly formed certificate of the electoral vote of the State of Alabama it appears that William J. Bryan received 11 votes for the office of President [applause] and John W. Kern 11 votes for the office of Vice-President.

The PRESIDENT OF THE SENATE. The Chair is obliged to suggest that all manifestations of applause or approval are in contravention of the proprieties of the occasion. They disturb the dignity and decorum which should characterize the great transaction now proceeding in the presence of the American people. The Chair is confident that a repetition of this admonition will be unnecessary.

The tellers then proceeded to announce the electoral votes of the several States in their alphabetical order.



The PRESIDENT OF THE SENATE. The certificates of all the States have now been opened and read. The tellers will now make a final ascertainment of the result and report the same to the President of the Senate.

Mr. BAILEY (one of the tellers). Mr. President, the certificate from the State of Wisconsin recites that its electoral vote was cast for "William H. Taft, of New York, for President," and for "JAMES S. SHERMAN, of New York, for Vice-President." Under the Constitution, it is not permissible for electors to vote for a candidate for President and Vice-President both from the same State with themselves; and we are not, therefore, at liberty to treat this as surplusage, because it is proper, and I might almost say essential, to designate the State of the candidate voted for, so as to show that the candidates for President and Vice-President are not both of the same State as the electors. Your tellers perfectly understand, however, that this is a clerical error and, with the permission of the body controlling it, they would be glad, with this explanation, to report the vote of the State of Wisconsin as having been cast for William H. Taft, of Ohio, for whom all the other electoral votes were cast, and the tellers ask the President of the Senate to submit that question.

The PRESIDENT OF THE SENATE. Unless there is objection to so doing, the vote of Wisconsin will be recorded for William H. Taft, of Ohio. [After a pause.] The Chair hears no objection.

Mr. BURROWS (one of the tellers). Mr. President, the tellers report the result of the ascertainment and the counting of the electoral votes for President and Vice-President of the United States, for the term beginning March 4, 1909, as follows:

Number of electoral votes to which each State is entitled.	States.	For President.		For Vice-President.	
		William Howard Taft, of Ohio.	William Jennings Bryan, of Nebraska.	James Schoolcraft Sherman, of New York.	John Worth Kern, of Indiana.
11	Alabama.....		11		11
9	Arkansas.....		9		9
10	California.....	10		10	
5	Colorado.....		5		5
7	Connecticut.....	7		7	
3	Delaware.....	3		3	
5	Florida.....		5		5
13	Georgia.....		13		13
3	Idaho.....	3		3	
27	Illinois.....	27		27	
15	Indiana.....	15		15	
13	Iowa.....	13		13	
10	Kansas.....	10		10	
13	Kentucky.....		13		13
9	Louisiana.....		9		9
6	Maine.....	6		6	
8	Maryland.....	2	6	2	6
16	Massachusetts.....	16		16	
14	Michigan.....	14		14	
11	Minnesota.....	11		11	
10	Mississippi.....		10		10
18	Missouri.....	18		18	
3	Montana.....	3		3	
8	Nebraska.....		8		8
3	Nevada.....		3		3
4	New Hampshire.....	4		4	
12	New Jersey.....	12		12	
39	New York.....	39		39	
12	North Carolina.....		12		12
4	North Dakota.....	4		4	
23	Ohio.....	23		23	
7	Oklahoma.....		7		7
4	Oregon.....	4		4	
34	Pennsylvania.....	34		34	
4	Rhode Island.....	4		4	
9	South Carolina.....		9		9
4	South Dakota.....	4		4	
12	Tennessee.....		12		12
18	Texas.....		18		18
3	Utah.....	3		3	
4	Vermont.....	4		4	
12	Virginia.....		12		12
5	Washington.....	5		5	
7	West Virginia.....	7		7	
13	Wisconsin.....	13		13	
3	Wyoming.....	3		3	
483	Total.....	321	162	321	162

J. C. BURROWS,  
J. W. BAILEY,  
*Tellers on the part of the Senate.*

JOSEPH H. GAINES,  
W. W. RUCKER,  
*Tellers on the part of the House of Representatives.*

The PRESIDENT OF THE SENATE. The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 483, of which a majority is 242.

William Howard Taft, of the State of Ohio, has received for President of the United States 321 votes;

William Jennings Bryan, of the State of Nebraska, has received 162 votes.

The state of the vote for Vice-President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice-President of the United States is 483, of which a majority is 242.

James Schoolcraft Sherman, of the State of New York, has received 321 votes;

John Worth Kern, of the State of Indiana, has received 162 votes.

This announcement of the state of the vote by the President of the Senate shall be deemed a sufficient declaration of the persons elected President and Vice-President of the United States, each for the term beginning March 4, 1909, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

Gentlemen, the great business for which the two Houses of Congress were assembled having been completed, the joint meeting is dissolved. The Senate will now return to its Chamber.

The Senate retired from the Hall, and (at 1 o'clock and 43 minutes p. m.) the Speaker resumed the chair and called the House to order.

#### RECESS.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House take a recess for five minutes.

The SPEAKER. The gentleman from New Jersey moves that the House stand in recess for five minutes.

The motion was agreed to.

Accordingly (at 1 o'clock and 45 minutes p. m.), the House took a recess for five minutes.

The recess having expired,

The SPEAKER. The House will be in order.

#### AMENDMENT TO NAVIGATION LAWS.

Mr. CALDER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 27970) to amend section 8 of the act approved May 28, 1908, entitled "An act to amend the laws relating to navigation, and for other purposes."

The SPEAKER. The Clerk will read.

The Clerk read as follows:

A bill (H. R. 27970) to amend section 8 of the act approved May 28, 1908, entitled "An act to amend the laws relating to navigation, and for other purposes."

*Be it enacted, etc.,* That section 8 of the act approved May 28, 1908, entitled "An act to amend the laws relating to navigation, and for other purposes," be amended by inserting in line 8, page 427, of the Statutes at Large, first session Sixtieth Congress, after the word "sides," the words "or ends," and on line 21, after the word "dollars," the following:

*Provided, however,* That the foregoing requirement in regard to life line or rope shall not apply to any scow or boat the deck outside the coaming or rail of which shall not exceed 1 foot in width."

Also the following committee amendment:

Strike out all after the enacting clause and insert:

"That the requirements in regard to life line or rope contained in section 8 of the act approved May 28, 1908 (being chapter 212 of the Statutes at Large, first session Sixtieth Congress), entitled 'An act to amend the laws relating to navigation, and for other purposes,' shall not apply to any scow or boat the deck outside the coaming or rail of which shall not exceed 1 foot in width. On any such scow or boat its name or number and owner's name painted in letters and numbers, at least 14 inches long on both ends of such scow or boat, shall be a compliance with the provisions of the said section in regard to name, number, and owner's name."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. CALDER, a motion to reconsider the vote by which the bill was passed was laid upon the table.

#### HAZING AT MILITARY ACADEMY.

Mr. HAY. Mr. Speaker, I am directed by the Committee on Military Affairs to report the following privileged resolution, with a recommendation that it do pass.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 543.

*Resolved*, That the Secretary of War be directed to furnish to the House of Representatives of the United States copies of all reports, recommendations, and other correspondence of record in the War Department or at the United States Military Academy at West Point relative to the subject of hazing at the Military Academy since January 1, 1908; also copies of all reports, recommendations, and other correspondence of record in the War Department relative to cadets of the Military Academy reported as deficient in either conduct or studies, or both, as a result of the last general examination held at the Military Academy.

Also the following committee amendment was read:

After the word "Academy," in line 12, strike out the period and insert a comma and the words "omitting the names of such cadets found deficient in conduct or studies."

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was agreed to.

The resolution as amended was agreed to.

On motion of Mr. HAY, a motion to reconsider the vote by which the resolution was agreed to was laid upon the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 18417. An act for the relief of Clark County, Ky.

INTRODUCTION OF BILLS AND RESOLUTIONS.

Mr. FITZGERALD. Mr. Speaker, I rise to a question of privilege and present the following resolution.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

House resolution 553.

Whereas it appears from the RECORD of February 9, 1909, that House resolutions Nos. 548 and 551 purport to have been introduced by a number of Members of the House; and

Whereas it is a question of serious doubt whether such practice is in conformity with and is authorized under the parliamentary procedure governing the control and the conduct of the business of this House; and

Whereas it is desirable to determine whether bills or resolutions may be presented to the House in the name of more than one Member:

*Resolved*, That the Speaker be, and he is hereby, authorized and directed to appoint a select committee of five Members of the House to investigate and report as to the right of Members to present bills or resolutions as provided by the rules with the name of more than one Member of the House attached thereto.

Mr. FITZGERALD. Mr. Speaker, in presenting this resolution I have no desire whatever to interfere with the two resolutions mentioned in this resolution. There has been recently a practice initiated to present bills with the names of two Members or more appended thereto. The resolutions mentioned illustrate the development of the innovation. One of them purports to be introduced by 8 Members, the other by 29 Members. There are serious objections to this practice. In the first place, the introduction of bills or resolutions originally was a question of leave, and only by a gradual evolution have Members been permitted to present, as under our present rules, private bills to the Clerk and public bills to the Speaker. In effect, the presentation of bills and resolutions is a motion to introduce or to be permitted to introduce such bills in the House. If bills of a scandalous character are introduced, under the practice of the House they may be stricken from the files. If bills are introduced with the name of a Member attached thereto without his authority, they may be stricken from the files. If a number of names be attached to a bill and the inference allowed or the statement made that a particular bill is introduced by more than one Member, it may be a very difficult matter at some time to fix the responsibility for scandalous matter or to determine whether a particular Member authorized the use of his name.

At any rate, the practice, which in my opinion is unwarranted, has been growing to such an extent that it seems to me that in the interest of proper procedure in this House it is desirable, after a careful examination, to determine whether more than one Member can attach his name to a bill. As illustrating the results of this procedure a question might arise in this way: Suppose a resolution of inquiry were introduced in the name of more than one Member. If not reported within a certain time it would be a privileged motion to discharge the committee from the consideration of the resolution. It might be a difficult matter for the Speaker to determine which of the two or three or a dozen Members whose names were attached to the resolution would be entitled to recognition to make the privileged motion. Under all the circumstances, it seems most desirable that the proper practice be determined at this time, so that the House may conduct its business in conformity with the rules of procedure that from time immemorial have regulated such matters.

Mr. KEIFER. Mr. Speaker, I move that the resolution be referred to the Committee on Rules.

Mr. FITZGERALD. Mr. Speaker, I do not yield to the gentleman for that purpose. If he wishes to make any comment, I shall yield him time. Otherwise, I demand the previous question.

The SPEAKER. The gentleman demands the previous question upon the resolution.

The question was taken, and the previous question was ordered.

Mr. WALDO. I ask that the resolution be read.

A MEMBER. I object.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. KEIFER. Division!

The House proceeded to divide,

Mr. WALDO. Mr. Speaker, I again request that the resolution be read. I am unable to ascertain what the gentleman is trying to do, and I want to know before I vote.

The SPEAKER. The House is dividing. Objection was made to reporting the resolution again.

The House divided; and there were—ayes 120, noes 6.

So the resolution was agreed to.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

The SPEAKER. The Chair announces the appointment of the following Members as the committee provided for under the resolution: Mr. FITZGERALD, Mr. OLMSTED, Mr. CURRIER, Mr. TOWNSEND, and Mr. SHERLEY.

SALE OF TIMBER ON ALLOTTED INDIAN LANDS.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4548.

The Clerk read as follows:

A bill (S. 4548) to provide for the sale of timber on allotted Indian land, and for other purposes.

*Be it enacted, etc.*, That any adult Indian of any reservation to whom an allotment has been or hereafter shall be made and a trust or other patent containing restrictions on alienation issued, or hereafter shall be issued therefor, is, with the consent of the Secretary of the Interior and under such regulations as he may prescribe, hereby authorized to sell the timber on his allotment.

Timber on the allotments of minors may likewise be sold by the father, mother, or Indian agent, or other officer in charge, in the order named, and the Secretary of the Interior shall make such regulations for the disposition of the proceeds of said sales as may be necessary to protect the interest of said Indians, including such minors.

Mr. MANN. Reserving the right to object, I would like to ask the gentleman what is the reason for giving this permission, not only to sell the timber on lands allotted of Indians, but of minors?

Mr. JONES of Washington. Well, Mr. Speaker, the reason is simply this: At the present time there is no law by which the timber on allotted Indian lands may be sold, no matter what the necessity or what advantage it may be to the Indians. For instance, there is a particular case in my State in the Colville Indian Reservation, where we granted by a special act to a smelting company the right to build a smelter there. There is no land in the neighborhood excepting that belonging to the Indians; and while we authorized this company to use such timber as it needed, there was no way by which the people who went in there and settled up the country could obtain lumber. The company could not buy the timber from the Indians and sell lumber to the people; there is no lumber there, and so far the people simply have to live in tents. There is no railroad and they can get no lumber. That is one illustration. The adult Indians can not sell. If the land is allotted to a minor, he can not work it, nor can he sell the timber to anyone.

And it does seem it would be well, in the interests of the Indians as well as the community, that, under proper regulations, down timber or ripe timber could be sold; and in case even the timber were only fit for cord wood, that could be sold instead of being wasted, and the Indians' interests protected by restrictions that would be imposed by the Interior Department. The Secretary of the Interior controls all that, just as he does in the case of the lands themselves, and it seems to me that it would be very greatly to the interest of the Indians, and also to the various communities of the country, if something of this kind could be enacted into law. It might be well for the Indian to clear 5 or 10 acres of his allotment for cultivation, and yet, as it is now, the timber can not be sold, the land can not be cleared, and the Indian is encouraged to live in idleness.

Mr. MANN. Well, of course, no doubt there ought to be some method by which mature timber and down timber and dead timber could be disposed of; but does the gentleman go so far as



to say that we ought to authorize the cutting of all timber on all Indian allotted lands, including minors' lands, practically without restriction, at this time, when we are endeavoring to conserve our timber resources?

Mr. JONES of Washington. Well, I think the Secretary of the Interior, with his officials, and the Department of Agriculture, through the Forestry Division, can be depended upon to see that it is not wasted. The committee considered the proposition of putting in the words "mature and down timber," but it was thought best not to limit it at all.

Mr. MANN. I do not see what the Forestry Service has got to do with it.

Mr. JONES of Washington. That was struck out in the Senate, but I referred to it as it had been in, and I have no doubt but that the Interior Department would ask the cooperation of the Agricultural Department.

Mr. MANN. I have not that confidence in the Interior Department in regard to timber that the gentleman has, though I have great confidence in the department.

Mr. JONES of Washington. Well, in answer to that, I will say that they are looking after the Indians' welfare very closely, and I do not expect that they will sell that timber, except on a limited number of allotments and in a fair and reasonable way.

Mr. MANN. I saw last summer I do not know how many million feet of logs lying on the ground in the Menominee Reservation, in Wisconsin, half of which was destroyed, spoiled, and of no value, and most of the balance probably will be, because the Interior Department had permitted it to be cut.

Mr. JONES of Washington. That was the reservation that we passed a special act for, I presume.

Mr. MANN. Before the sawmills had been taken onto the ground perhaps most of the timber was valueless. They will not cut enough timber with that sawmill out of this immense quantity of saw logs to pay the expense of cutting and selling the timber.

Mr. JONES of Washington. A situation like that should not be permitted, of course. I do not anticipate that anything of that kind will result from the passage of this bill.

Mr. MANN. That is just the situation that grew up, when they did not even have the authority to cut all the timber on the land. Now, the Interior Department are not timber experts.

Mr. JONES of Washington. They have men in connection with the Indian Department who are pretty familiar with the timber conditions.

Mr. MANN. Can the gentleman tell us how much timber this would affect?

Mr. JONES of Washington. I do not know. In our section it would affect, I suppose, quite a good deal, because there are some of the reservations that contain considerable timber. It is limited, however, to allotted lands, and most of these are agricultural in character, with possibly a small amount of timber, much of which it would be well to sell.

Mr. MANN. It would affect a great deal of timber elsewhere, probably.

Mr. JONES of Washington. Possibly so, although the great part of the timber on these reservations will be on unallotted lands.

Mr. MANN. Does not the gentleman think we ought to know something about what amount of timber is to be affected, and the effect of that timber cutting, before we pass a bill drawn primarily in the interest of some particular section of the country, with reference to which it may be perfectly proper?

Mr. JONES of Washington. So far as the bill is concerned, it is one in which I have no personal interest. It was introduced in the Senate by Senator Knox, at the suggestion of the Secretary of the Interior himself, and this particular instance I have referred to was called to my attention, and I began to look the matter up and found this situation.

Mr. MANN. I have no doubt there ought to be relief.

Mr. JONES of Washington. It seems to me there ought to be legislation along these lines, because the timber is absolutely going to waste now.

Mr. MANN. But this bill, if it becomes a law, is an invitation to every timber speculator and to every sawmill man to immediately commence work to get hold of the timber belonging to the Indians; and if this bill becomes a law, there will not be enough timber on Indian allotted lands in five years to be worth bothering about.

Mr. JONES of Washington. I have great confidence in the Secretary of the Interior and those looking after the Indians. I do not believe there will be any such difficulty as the gentleman thinks; but if he believes that, why, he is justified in objecting to the bill.

Mr. GRONNA. Would the gentleman have any objection to specifying what kind of timber should be cut?

Mr. JONES of Washington. I do not think it would be wise to put in any provision of that kind.

Mr. MANN. The gentleman had better let it lie over until we can investigate it a little further and see if we can not prepare a measure that will not turn everything absolutely loose and still will grant the relief which the gentleman seeks.

Mr. JONES of Washington. I do not think this turns the matter loose. I would not be willing to put any restrictions in reference to the character of the timber that should be sold. I would have no objection to allowing the Forestry Service of the Agricultural Department to look after that.

Mr. MANN. I would be perfectly willing if the Forestry Service, devoted to that subject, had control of it.

Mr. JONES of Washington. That was in the original bill as introduced, but was stricken out, for what reasons I do not know.

Mr. MANN. Now, I understand, as a matter of fact, if this bill should become a law, the Interior Department, as at present constituted, would ask the Forestry Service for its assistance.

Mr. JONES of Washington. I am inclined to think so.

Mr. MANN. That might not be the case to-morrow.

Mr. JONES of Washington. I suggest to the gentleman, however, that matters relating to the Indians are entirely under the control of the Secretary of the Interior, and there might be a very serious question as to the advisability of having a divided control with reference to these lands.

Now, this timber is a part of the real estate, and, as a matter of fact, the adult Indians could sell their allotments, timber and all, under laws that we have passed and under regulations to be prescribed by the Secretary of the Interior.

Mr. MANN. That is not the case all over the country.

Mr. JONES of Washington. It is, except where you may have special legislation, because we passed that legislation in the last session of Congress.

Mr. MANN. We have several bills to that effect now on the calendar.

Mr. JONES of Washington. We passed general legislation in the last session applying to allotments all over the country, applying to every reservation, possibly, except those in Oklahoma. Now, if we can trust the Secretary of the Interior to look after the allotments, to allow the sale of them upon such regulations as he may prescribe, it seems to me we can grant him the same authority with reference to the timber on the allotments, and permit him to sell it separate from the fee title to the real estate.

I very seriously doubt the advisability of dividing the responsibility and power between two departments of the Government. It rather seems to me that we ought to depend on the Interior Department, and if that department needs the advice of the Secretary of Agriculture it will get it, but it would be unwise to divide the responsibility. We should have to do that if we brought the Forestry Department into the matter by the terms of the bill. I have no doubt that is why this provision was stricken out of the bill. I think it would be wise to pass this legislation in this way.

Mr. MANN. I can not agree with the gentleman.

Mr. JONES of Washington. Of course the gentleman has a right to object.

Mr. MANN. Yes; and for the present I object.

#### TELEPHONE SYSTEM IN HAWAII.

Mr. COLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25139) to amend an act entitled "An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii," approved June 20, 1906.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the time for construction of that portion of the telephone system of the Standard Telephone Company prescribed in the act entitled "An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii," be, and is hereby, extended to three years from and after the passage of this act, during which extended period the rights and privileges conferred upon the said Standard Telephone Company in and by said acts shall continue in full force and effect, but subject to the forfeiture therein provided on the failure of said company to otherwise comply with the provisions of time limitations therein prescribed within such extended period.

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if there is anything in the act except an extension of time?

Mr. COLE. That is all.

Mr. MANN. Reserving the right to object, I want to ask the gentleman if the company has commenced its work?

Mr. COLE. Yes. Now, a word in connection with the bill. The territorial legislature of Hawaii passed this measure three years ago. It was investigated and confirmed by Congress two years ago. The company that was constructing the telephone business was composed of men from San Francisco. By the earthquake and fire they lost their property, and on that account they could not complete the work within the time prescribed by law. Now they ask for an extension of time for two years.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

EXTENDING TIME FOR FINAL ENTRY OF MINERAL CLAIMS WITHIN SHOSHONE OR WIND RIVER RESERVATION, WYO.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from further consideration, and for the present consideration, of the bill (H. R. 23473) extending the time for final entry of mineral claims within the Shoshone or Wind River Reservation in Wyoming.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 2 of chapter 1452 of the Statutes of the Fifty-eighth Congress (U. S. Stat. L., vol. 33, pt. 1), being "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect," be, and the same is hereby, amended so that all claimants and locators of mineral lands within the ceded portion of said reservation shall have five years from the date of location within which to make entry and payment instead of three years, as now provided by the said act.

The SPEAKER. Is there objection?

Mr. GAINES of Tennessee. Reserving the right to object, I would like to have the matter explained.

Mr. MONDELL. The mineral locator of public lands at large is not obliged to make final proof and entry of his lands. He may hold them indefinitely and work them, if he desires. The middle entrymen on the Indian reservation are required under the act to make final proof within three years. It is a departure of legislation of this character. The middle entrymen are mostly poor men, and they find it impossible to make a final proof and entry as required by the act; and this proposes to give them an extension of two years, so as to give them the same length of time that a homesteader has within which to make final proof. It is reported by the Committee on Indian Affairs.

Mr. REEDER. Is there any time limit when they can make the original entry?

Mr. MONDELL. Most of the original entries were made about the time the reservation was opened. They can make them at any time.

Mr. REEDER. They can make them at any time, and then this gives them five years from the time they make them?

Mr. MONDELL. Yes.

Mr. REEDER. Why can they not make the proof earlier?

Mr. MONDELL. In a mineral claim the entryman must spend \$100 a year on his claim, and \$500 in all.

Mr. REEDER. The gentleman says this was reported by the Indian Committee?

Mr. MONDELL. Yes.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FOSTER of Vermont in the chair.

Mr. SCOTT. Mr. Chairman, I would like unanimous consent to make a brief statement, and then present a request.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to make a brief statement. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Chairman, when the committee rose on Thursday of last week there was pending a demand for tellers on the question of the adoption of an amendment offered by the gentleman from South Carolina [Mr. LEVER]. The purport of that amendment was to strike out of the appropriation bill any authority that it might contain for the continuation of what is known as the "board of referees of consulting chemists."

Mr. BURLESON. I think the gentleman is mistaken in that, because the gentleman from South Carolina denies that there

was any authority whatever for the creation of that board of referees.

Mr. SCOTT. The Chair has ruled that there was such authority, and the purpose of the amendment, as I understood it, was to make it very certain that the law should not be so construed.

Mr. BURLESON. I did not understand the Chair to so rule. The Chair ruled that certain language in the bill was authorized by law. The question is open whether under that language the board of referees is authorized.

Mr. SCOTT. I think the gentleman from South Carolina will not deny that if his amendment prevails it will result in the abolition of the board of referees of consulting chemists.

Mr. BURLESON. Undoubtedly that was his purpose.

Mr. SCOTT. That was the only statement I intended to make. In view of the importance of this proposition, and in view, further, of the fact that a great many gentlemen are present now who were not in the House at that time, I ask unanimous consent that debate be permitted to continue on the amendment for forty minutes, the time to be equally divided between the two sides and to be controlled on the side of the minority by the gentleman from South Carolina [Mr. LEVER] and on this side by myself.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that debate may be had on the pending question for forty minutes, to be equally divided between the two sides, one half to be controlled by himself and the other half by the gentleman from South Carolina [Mr. LEVER]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. LEVER. Mr. Chairman, I will ask the gentleman from Kansas to use some little time, to give me some idea as to the number of speeches to be made on that side.

Mr. DRISCOLL. Mr. Chairman, before debate begins I would like to have the amendment again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read as follows:

Page 27, strike out all after the word "dollars," in line 71, down to and including the word "dollars," in line 21, and insert, on line 17, page 27, after the semicolon, the following:

"For the examination of specimens of foods and drugs made in the Bureau of Chemistry, under the direction and supervision of such bureau, for the purpose of determination from such examination whether such articles be adulterated or misbranded within the meaning of said act, in the city of Washington, \$200,000; out of the city of Washington, \$266,460."

Mr. SCOTT. Mr. Chairman, I yield five minutes to my colleague on the committee, the gentleman from Virginia [Mr. LAMB].

Mr. LAMB. Mr. Chairman, this is perhaps one of the most embarrassing cases that we have had before the Committee on Agriculture. Those of you who listened to the very temperate and able speech of my colleague from South Carolina [Mr. LEVER] will remember that he discussed this question from the viewpoint of there being no law or authority for the appointment of this board. Now, under the rulings of the Chair a few days ago we were led to believe that the very law creating this Department of Agriculture gave authority to the Secretary of Agriculture to carry out the provisions of the law touching the pure food and drug act. I am ready to admit, Mr. Chairman, that upon the naked technical question of whether or not this referee board should have been appointed there is considerable doubt, but when we take into consideration the magnitude of the interests involved, the importance to the whole country of carrying out this pure food and drug act, I think, upon a calm consideration of the whole matter, this committee must come to the conclusion that the Secretary of Agriculture acted judiciously and within the provisions of the law construed liberally. This very section here quoted by my friend will, in my judgment, give ample authority. Mr. Chairman, I have not the time to read section 3 of this act, for I suppose gentlemen here are as well posted as I am, but if they will turn to section 3 of the food and drug act they will see, I think, that there is provision even in that act for the appointment of these experts.

Brought down to its last analysis, the question presented for us to decide to-day is just this, whether we are going to leave all of this administration work in the hands of one man, whether we are going to turn the Department of Agriculture over to the rulings of one of the chiefs of a bureau in that department, or leave it in the hands where it belongs, the Secretary of Agriculture. If there be no law for the creation of this referee board, then I ask you under what law and by what authority are there to-day serving perhaps 75 or 100 appointees under this inspection law, recommended by the Chief of the Bureau of Chemistry and confirmed by the Secretary of Agriculture? If you adopt this amendment and turn this department over to the



rulings of the Chief of the Bureau of Chemistry, what becomes not only of this referee board but of these other appointees? In other words, if there be no law and no authority for the action of the referee board, what authority is there for the other board, composed of the Chief of the Bureau of Chemistry, Mr. Dunlap, a scientist, and Mr. McCabe? If the Secretary of Agriculture can not control his own department, then we had as well abolish the office of Secretary of Agriculture. There is more at stake here than one would think who had not studied the question carefully. It is a question reaching down to every article of food consumed in this country, and while I have the highest regard for the Chief of the Bureau of Chemistry, it is well known not only to the members of the Agricultural Committee, but to Members of this House, that he has made rulings on the pure-food question that affect the manufacture of articles all over the country and comes home to every farmer. I will give an illustration. Let us take the question of saltpeter. If the rulings of the Chief of the Bureau of Chemistry are carried out, we in Virginia and other States will not be allowed to put saltpeter on the hams that we send in interstate commerce, and I say to you now, as I have said before, that if saltpeter would kill people there would be scarcely a man living in eastern Virginia to-day.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, the gentleman from Virginia [Mr. LAMB] has referred to the magnitude of the interests involved in my amendment. What are the interests involved? To what interest does the gentleman from Virginia refer. To the lives and health of 90,000,000 of the consumers of this country, or the few hundred packers who have persistently and flagrantly since the enactment of the pure-food law of 1906 evaded and violated its provisions? The interests are enormous, but as far as I am concerned, I prefer to stand by the interests of the great consuming public, rather than to place myself on the side of the illegitimate and dishonest packers who have violated and are now violating the law, and endeavoring by every device to hamper the thorough enforcement of its provisions against food frauds and poisons. I want to say in the outset, Mr. Chairman, that my amendment is not prompted by any partisan feeling or political motive, and—

Mr. GRONNA. Mr. Chairman, I would like to ask the gentleman a question just for information. As I understand the gentleman's amendment, it takes it from the board and simply places all power in the hand of this chemist. Am I right?

Mr. LEVER. My proposition is to see to it that the law is enforced by the official upon whom the law places the enforcement—the Chief of the Bureau of Chemistry—as is set out in section 4 of the pure food and drugs act.

Mr. GRONNA. And is that decision final?

Mr. LEVER. That decision is final as far as facts are concerned. The facts are referred to the Secretary of Agriculture under the law; and in his discretion he passes the facts up to the proper federal district attorney, as the law provides, and the district attorney brings suit in the name of the Government against the offending packer, as is directed by this same section 4 of the act, which is our work and will.

Mr. GRONNA. Does the gentleman believe it would be well upon such an important question as this to make it possible for anyone to take it to the court?

Mr. LEVER. I beg the gentleman's pardon; I did not catch that.

Mr. GRONNA. Does the gentleman believe it would be well upon a proposition of this kind, of such importance, to compel a man to take the decision of this one man, for, as I understand the gentleman, his decision would be final and no appeal could be taken from that decision?

Mr. JOHNSON of South Carolina. Will my colleague allow me to make a suggestion?

Mr. LEVER. One moment—the gentleman from South Carolina finds no discretion in this matter. The law itself points out what appeal an aggrieved manufacturer may have and to what court he can take an appeal. The language of the law is unmistakable on this point. Congress provided the machinery in the law and we ought to see to it that the law is obeyed or else amended.

Mr. GRONNA. I understand that is what you are trying to change by your amendment.

Mr. LEVER. Not at all. Let me say to my friend that the President, acting through the Secretary of Agriculture, some months ago appointed a referee board of consulting chemists, with jurisdiction over and above that now exercised by the Chief of the Bureau of Chemistry under his statutory authority. The law gives the Chief of the Bureau of Chemistry a specific duty to perform, a duty imposed by us, but the referee board is appointed in the meantime, without authority of law, and in

the exercise of its powers supersedes the authority of the Bureau of Chemistry and takes into its own hands the enforcement of the law. That is the point to this.

Mr. HAYES. Will the gentleman yield for a question?

Mr. LEVER. I yield for a question.

Mr. HAYES. I would like to ask the gentleman, with his permission, if it is not true that this will not destroy this referee board completely, but simply prevents them from receiving pay for their services.

Mr. LEVER. I may say to the gentleman from California frankly that if my amendment prevails here, or if it does not prevail, I intend to follow it up by offering another amendment to take care of the question which the gentleman has raised.

Mr. DRISCOLL. Is the order of the President creating or appointing this referee board at the command of the gentleman?

Mr. LEVER. I think I might find it here somewhere.

Mr. DRISCOLL. I thought it might be well to have it read.

Mr. LEVER. It was read in my speech of the 3d instant, and it is in the RECORD. Now, Mr. Chairman, I was saying when interrupted—and it is well-nigh impossible to make a logical statement with all these interruptions—that I hope this matter will not take on a partisan aspect. I have been in this House many years, and I have my first political speech to make.

I have been sent here, as I understand it, to represent the business interests—the farmers, merchants, professional men, and all—of the district which I have the honor to represent, and I feel that I can be of more service to my people by looking after their business, material interests, than I can in taking up time in discussing academic political questions which others are better prepared and more inclined to discuss. Mr. Chairman, I want it distinctly understood that this amendment is not intended as a criticism of the Secretary of Agriculture. No man in this House, no man in the country, has a higher regard for Secretary James Wilson than I have. In my contact with him, socially and officially, I have found him courteous, frank, and always ready to give ear to any statement that may have in it an idea or suggestion calculated to be of use to the agricultural interests of any section of the country. In the administration of his great office he knows neither political nor sectional lines, and we in the South have come to look upon him as our special friend, as somewhat one of us. [Loud applause.]

His work in my State has been of extreme benefit to us, and our farmers feel they have no more earnest friend than he. He has been among us, and has a most comprehensive understanding of our agricultural problems and a most sincere sympathy with us in solving them.

He has done as much for the State that I in part represent and for the entire South in the last twelve years as any man living to-day, and I have for him not only a profound admiration, but almost a feeling that amounts to veneration, and I would be the last to criticize him or wound his feelings. [Applause.] But the matter of the diversion of \$100,000 from the purposes for which it was appropriated came to the attention of the committee. It struck me as bad administration, bad business, and it occurred to me that if the President of the United States, acting through the Secretary of Agriculture, had deliberately diverted an appropriation from the purposes for which it was appropriated and had applied it to the payment of the expenses of a referee board created in violation of law, then it was time for somebody to protest on the floor of this House. If the time has come when executive impulses are to take the place of well-deliberated legislative action, then this House, in the interest of economy, ought to adjourn sine die, go home, and stay there. [Applause.] And to bring this situation to the attention of the House is my only motive, save the greater one of my interest in the strict enforcement of the law against fraudulent and dangerous foods.

Mr. COLE. How much of this appropriation has been expended for the purpose?

Mr. LEVER. I understand about \$27,000 have already been expended in the examination of one of the subjects referred to and that there are two more to be examined.

Mr. COLE. Will a part of this remaining \$100,000 be available for this purpose unless the appropriation provided for in this bill is carried?

Mr. LEVER. It is available, and it is being used.

Mr. HITCHCOCK. Mr. Chairman, I would like to request the gentleman to inform the committee what appeal there is now from the chemist when he renders a decision?

Mr. LEVER. An appeal to a federal court, as laid down by the act; and let me read to the gentleman from Nebraska the act, so that the committee may know just what the law says about it:

Sec. 4. That the examinations of specimens of foods and drugs shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such bureau, for the purpose

of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

Sec. 5. That it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this act, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided.

Does that answer the gentleman?

Mr. HITCHCOCK. That is to say, then, that the decision of the chemist does not of itself shut the manufacturer out of the market, but the process of the court must be appealed to before he can be prevented?

Mr. LEVER. That is entirely correct; and that, Mr. Chairman, is the proposition we are standing for—a proposition of permitting the law to stand as it now stands; of allowing the Chief of the Bureau of Chemistry to perform, unhampered and unhindered, the duties imposed on him by the law. If there is an aggrieved manufacturer, if somebody feels that he has been badly treated, he has his recourse under the act, and that recourse is in the federal court when his case reaches it. That is all. For sixteen or eighteen years the great consuming public of this country demanded pure-food legislation—

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman yield for a question?

Mr. LEVER. I will.

Mr. HUMPHREYS of Mississippi. The gentleman says that if any manufacturer feels aggrieved at the decision of the chemist, he has his remedy by going to the federal court. Is it not the law that the Government must go to the federal court?

Mr. LEVER. That is true.

Mr. HUMPHREYS of Mississippi. The procedure, as I understand it, must be begun by the Government against the manufacturer.

Mr. LEVER. That is very true; but the manufacturer has his remedy in the court. He meets the prosecution arranged by the Government; he brings his expert chemists to testify, and the Government brings its chemists to testify; and the evidence is taken and the case is heard like any other case in any other court and decision made from the facts presented. No one can be injured by such a course, and the public is saved the great risk in eating preserved foods.

Mr. HUMPHREYS of Mississippi. The point I had in mind was that the burden is not on the manufacturer. The burden is on the Government.

Mr. LEVER. The burden is on the Government to prove its case. The manufacturer has been protected by the law. He has been leniently treated. In fact, I fear he has been hugged to the bosom of the Government, and we want to hug him a little bit more by creating a sort of a filtration plant of referee boards and commissions, through which justice must slowly filter while the great consuming public suffers. My amendment proposes to give consideration to the public, protect the people against the greed of food adulterators and misbranders.

Responding to the demand of the people during sixteen years for pure-food legislation, Congress in 1906 enacted a pure-food law; and in the enactment of that law I want to call the attention of the committee to this fact. It is a most important fact as showing the intention of Congress in the matter of this referee board. The House sent its bill to the Senate with a provision in it carrying a commission with authority exactly like this now carried by the referee board. The Senate debated that proposition, and pointedly and deliberately struck it from the House bill. The bill as amended went to conference, and the conferees agreed that this provision should be stricken from it. It became a law and was signed by the present Chief Executive without this provision.

Yet, in face of the fact that Congress enacted this legislation, pointedly, specifically, deliberately cutting out a referee-board idea, and after the law has been in operation for only two years, this same President, at the behest of the manufacturers—perhaps legitimate, very likely illegitimate—directed the Secretary of Agriculture to appoint a referee board. The expressed and positive will of Congress is of no avail against his hasty impulse to listen to siren song of the insidious packer. How was this law enforced? The Chief of the Bureau of Chemistry, Doctor Wiley, enforced it in the spirit in which it was enacted.

What was that spirit? The spirit of protecting the health and life of the consumer against preservatives, drugs, poisons, and misbranding. He enforced the law liberally; it was his duty to enforce it liberally. It is presumed Congress intended and the country expected a liberal enforcement in the protection of the public against poisonous preservatives and fraudulent food-stuffs.

Some have criticised the chief of the bureau for being enthusiastic. Enthusiastic in what, gentlemen? Enthusiastic in the interests of the great consumers of this country, enthusiastic for a strict enforcement of the spirit of the pure-food act. If such enthusiasm be a crime, would that more of the public officials of this country were tainted with that crime. [Applause.]

Mr. ANTHONY. Will the gentleman submit to a question?

Mr. LEVER. Yes.

Mr. ANTHONY. Does not the gentleman think that the manufacturers of the country ought to be protected from technical decisions in matters that affect their business?

Mr. LEVER. Of course.

Mr. ANTHONY. I would like to state to the committee that the flour millers of the country understand Doctor Wiley has made a decision restricting them from electric bleaching, because he says that it introduces a nitreous element in the flour, and he has prohibited the use of the process. Now, the facts are that the process only causes about one-millionth part of nitreous condition to form in the flour, and that means a man would have to eat 10,000 loaves of bread to be injured.

Mr. LEVER. Now, let me tell you the facts about it.

Mr. ANTHONY. Now, why should not the flour manufacturers be protected against such a ruling as that?

Mr. LEVER. Now, what are the facts as to that? I am perfectly familiar with the ruling. Let me call the attention of the gentleman from Kansas to the fact that not more than three or four weeks ago the supreme court of North Dakota passed upon this very flour case, and held that the bleaching of flour was in violation of the law of the State of North Dakota, on the ground that bleaching covered up inferior material.

What is the purpose of bleaching? It is to take inferior wheat, bleach it, and make the flour look as if it were ground from first-class wheat. [Applause.] Not only that, but it will be remembered some years ago we introduced the growing of durum wheat into this country. Durum wheat does not make as white flour as does hard wheat. Durum wheat, to be used, has to go through this bleaching process to get white flour, so that it can go on the market in competition with the hard wheat of the country. This durum wheat, mind you, sells in the market, I am told, for 20 cents per bushel less than the hard and fine grades of wheat, and it is of importance to the durum dealers that they should be able to bleach this flour, and thereby sell it under a deception and fraud as having been made from the best grade of wheat.

Mr. ANTHONY. Does not the gentleman admit that the process allows the farmer to find a better market for his wheat?

Mr. LEVER. I do not admit it. The durum wheat grower comes in competition with the grower of first-class wheat, and sells his cheap wheat for just as good a price as does the grower of the first-class wheat, and to that extent limits the market for first-class wheat.

Mr. GRONNA. Will the gentleman allow me a moment? I am glad the gentleman has brought this matter up. I say that it is a fraud upon the farmers to permit this bleaching process. Under the pure-food law they should not be permitted to use this process. As the gentleman has well explained, the durum wheat is sold at from 10 to 20 cents a bushel less, and the flour is not the same as that which is made from hard wheat.

Mr. LEVER. This is another case where your preservatives and artificial processes permit gross frauds upon the consuming public, and positive injury to the legitimate industry. The pure-food act is intended to remedy this abuse which had grown to alarming proportions before the enactment of the law, and which will again become a scandalous abuse under the present system of hampering and retarding the enforcement of the act in all its strength and spirit of protection.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. LEVER. I have not used twenty minutes, have I?

The CHAIRMAN. The gentleman has used twenty minutes.

Mr. LEVER. I should like to have opportunity to conclude my remarks.

Mr. GRONNA. I ask unanimous consent that the gentleman from South Carolina be allowed five minutes more.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent that the gentleman from South Carolina may have five minutes more. Is there objection?



Mr. SCOTT. Mr. Chairman, I think we will have to object, unless this side can have five minutes more.

Mr. GRONNA. Then I will ask unanimous consent that five minutes more be given to the gentleman from Kansas [Mr. Scott].

Mr. LAMB. Will my friend agree that the gentleman from South Carolina may have five minutes if he can also have five minutes?

Mr. SCOTT. If we can have five minutes on this side, I will not object. I will ask unanimous consent that the time for debate be extended ten minutes, the gentleman from South Carolina to have five minutes and this side to have five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. Now, I do not know, because I am not a chemist, whether benzoate of soda is a dangerous preservative or not. I know that the Chief of the Bureau of Chemistry says it is a dangerous substance. I know that the great food experts of the world are almost unanimous in the opinion that it is a dangerous preservative. I know that the great chemists of the world and the medical profession say that it is harmful. I know that the great preponderance of the evidence is against its use, and that is sufficient reason for my objecting to its use.

I know that the state food and dairy commission in their convention have protested strongly against its use; that the convention of canners held at Louisville, Ky., only a few days ago, 3,000 strong, unanimously adopted resolutions against its use and commendatory of Doctor Wiley's great work. I know that my mail for the past week has been literally flooded with letters, resolutions, newspaper articles, and petitions sustaining my position and urging me in the interest of the consuming millions to continue the fight for the integrity of the pure food and drugs act and its enforcement in the spirit of its enactment.

I say I do not know that benzoate of soda is a dangerous preservative. I believe that it is; but whether it is or not, I do not wish to take the chance of permitting it in the foods of this country in the face of the opinions of so many great experts who firmly believe in its deleteriousness. This is the situation: Your child is lying sick. A half dozen physicians are called in. Five of them say that the use of a certain drug can do the child no good, but at the same time can do it no harm. The one says that to administer this drug may bring fatal results. These men are of equal ability and standing in their profession. Life and death hang upon the decision. Shall the drug which can do no good but may do harm in the opinions of the five be administered, when the one positively declares that its use may be fatal? Prudence and common sense would forbid the use of the drug. And this is the exact situation with respect to the use of preservatives in foods. No one claims them to have any food value. The very fact that they are used to preserve foods from decomposing shows conclusively that they can not aid digestion, for digestion is a process of decomposing food and not preserving it.

If benzoate of soda as a preservative may be harmful and is pronounced by those who should know best to be harmful, if it has no food value, if it is not necessary in the manufacture of foods from wholesome first-class materials, if it works no good and may work so much harm, what justification is there for its use? Why does a certain class of manufacturers insist upon its use? There is but one answer—they desire to palm off upon an unsuspecting public cheap and inferior goods.

They desire to fatten their purses at the risk of the lives and health of their customers. It is cheaper to use cores, peelings, and refuse; cheaper to employ insanitary methods in manufacture; cheaper to employ cheap labor, than it is to use first-class raw material, first-class sanitary methods, and first-class, well-paid labor. It is the old fight of dividends over again. No one denies that these preservatives can be, and in many cases are, used to cover up the methods I have mentioned to put upon the market food frauds, and it is against these practices, against these methods, that the strong arm of the law was raised, and when it was about to be brought down upon the heads of conscienceless manufacturers by the Chief of the Bureau of Chemistry, these concerns rushed to cover behind this new creation—the referee board.

My amendment proposes to leave the enforcement of the law where the law put it, and my whole desire is to maintain the integrity of this act, which is a part of our law, because the consuming public demanded protection against the intolerable methods of food manufacturers. If the law needs amendment, let it be amended in the proper way; but I protest against these insidious plans to nullify its provisions and to lay down the gap for the return of the methods in vogue before its passage. [Loud applause.]

Under the leave given me to print certain statements, letters, and other documents, I insert the following.

This is an advertisement of one of the largest and most reputable manufacturers in the country:

#### A PUBLIC STATEMENT.

#### THE PEOPLE'S HEALTH OR THE FOOD MANUFACTURER'S PROFIT.

Experts always disagree on scientific questions, and so they naturally differ about the danger of benzoate of soda in prepared foods. Some of them say it is a harmless substance in small quantities, while many other leading authorities of both Europe and America pronounce it a dangerous drug. Thus a doubt exists about the safety of its use.

Benzoate of soda is not used to improve any good article of food. There is no difference of opinion on that point.

Why, then, do any manufacturers contend for the privilege of using benzoate of soda? Simply because it permits a cheapening of the cost of product through a reduction of food value, employment of loose methods, and too often of unfit raw material.

All that is necessary to say to any thinking person is that reputable manufacturers who use only fresh fruit and vegetables and who employ only sanitary methods in their preparation (and there are many) do not find it necessary to use any chemical preservative.

Also this letter:

COLUMBIA CONSERVE COMPANY,  
Indianapolis, Ind., February 6, 1909.

A. F. LEVER, M. C., Washington, D. C.

MY DEAR SIR: Your telegram of January 30, addressed to the Columbia Conserve Company, was received during my absence. I regret very much the unavoidable delay in answering it.

We are distinctly opposed to the use of benzoate of soda in foods. I have never claimed that I knew anything about the physiological effect of benzoate on the consumer, and I do not feel that I know anything more about it now than I have for several years. Scientists seem to be very evenly divided with reference to this matter.

My position is that it is not necessary in those products which we pack, namely, condiments; and that therefore as there is doubt as to its healthfulness I can see no reason why the public should not be given the benefit of the doubt.

My principal objection to its use is that it permits, and in fact, fosters unsanitary conditions in the packing of food products, and also admits and fosters the use of unsanitary food materials.

With reference to the matter of tomato catsup, there is several times as much catsup made from refuse material in this country to-day as there is catsup made from whole, ripe tomatoes. I doubt very much that the use of this refuse material can be prohibited if artificial preservative is not prohibited, unless the national and state governments put into effect an adequate system of factory inspection. This same result could be secured, in my judgment, by the very much cheaper system of prohibiting chemicals.

Yours, very truly,

WM P. HAPGOOD.

#### REFERENCES AND QUOTATIONS RE ARTIFICIAL PRESERVATIVES.

The society strongly disapproves of the practice of adding preservative chemicals to milk and other foods. (Resolution of British Society of Medical Officers of Health.)

An opinion inimical to the use of preservatives \* \* \* on the ground that these substances were added to food for the purpose of destroying or preventing the development therein of living organisms, and hence that these same substances when introduced into the highly organized animal could not behave indifferently to living matter, but must also tend to exert upon it some influence. (Conclusion 93.)

Both of above from the "Report of the departmental committee appointed to inquire into the use of preservatives and coloring matters in foods." (London, 1901.)

I believe that, in general, preservatives and antiseptics in food are unfavorable to digestion and injurious to health, and they invite the use of certain grades of foods which would otherwise not obtain. (Prof. A. B. Prescott, of Ann Arbor, Mich. Evidence before Interstate and Foreign Commerce Committee, House of Representatives, 1902.)

On general principles, one would object to the use of antiseptics. The substance that would destroy the life of micro-organisms could not be expected to be beneficial to the life of a higher organism. It would be largely a matter of dose. I mean to say that the same dose that would kill a bacterium would not necessarily kill a man, but still it would be hostile to the protoplasmic actions that constitute the life of even a high animal like man. (Dr. W. D. Halliburton, F. R. S., professor of physiology, King's College, London. Testimony before the departmental committee, London, 1901.)

S. A. Vasey, F. C. S., F. I. S., member S. P. A.:

"In the case of benzoic acid, the presence of that acid—certainly in the case of invalid foods, and, possibly, ordinary foods—might be objectionable on the score of increasing the acidity of the urine and possibly setting up irritation in the urinary tract. It gives, as you know, hippuric acid." (P. 69.)

Dr. William Williams, representing the Incorporated Society of Medical Officers of Health:

"\* \* \* and in the present state of our knowledge regarding these substances (preservatives), it would probably be better to prohibit their use altogether, for there can be no doubt that the principle is utterly bad, and the practice of drugging the public promiscuously and without their knowledge, and by incompetent persons, when they are in good health is very dangerous." (P. 71.)

Maj. C. E. Cassal, public health officer of Great Britain:

"The admixture of certain chemicals with articles of food for the purpose of keeping them in a salable state, and also for the purpose of enabling sale of inferior and even actually bad articles, to be palmed off on the public as good and fresh, is a practice which has become very widespread. It is alleged by the apologists for this practice and by those who are obviously interested in its unrestricted continuance that the 'public demand' for many articles of food can only be met by the use of preservative chemicals. Apart from the question of 'cheapness,' this argument is disposed of from the fact that the articles in question are largely and successfully sold without the admixture of any preservative chemicals at all. If a preservative chemical is present in a food in sufficient amount to exert its specific effect on that food, that fact is in itself sufficient to show that the digestion of the food by the consumer must be injuriously affected, and such admixtures must therefore be regarded as injurious to health."

"In my opinion, the use of preservative chemicals is unnecessary, as far as public advantage is concerned, while no doubt their use may be advantageous to certain manufacturers and vendors for pecuniary reasons." (P. 130.)

Harold Faber, commissioner of Danish Government:

"I think there may be two objections in principle to the use of preservatives. In the first place, they are chemicals, and the people using them, not being generally chemists, are unable to judge of the quality of the article they use; they are also generally ignorant of the effects of them. It therefore seems less safe to leave it to them to decide whether to use them and in what quantities and so on. That is my objection in the first instance. Secondly, the idea of adding preservatives to foods is to prevent them from decomposing, but in the course of digestion these same articles of food are intended to be decomposed, and I therefore think, as far as the preservatives prevent these foods from decomposing by their use, they are also liable to prevent the proper digestion of them." (P. 145.)

Dr. A. Grunbaum, lecturer on chemical physiology, University College, Liverpool:

"I should like to say that it seems to me that, on general grounds, preservatives should be forbidden." (P. 222.)

Interview in Washington (D. C.) Post, January 27, 1909:

Dr. H. S. Blackmore, consulting chemist to State of New York:

"Benzoate of soda, of which we have heard so much of late as being employed as a food preservative, has all of the ear marks of a most dangerous substance.

"Commercial benzoic acid is manufactured from horse or other animal urine or artificially made from coal tar. All these facts would point to the possibility of benzoic acid, or its compounds, not only being of a composition most dangerous to health, if continuously used, but, to say the least, an unclean substance as a constituent of an article of food."

Minutes incorporated, Sanitary Association of Scotland, Congress at Perth, September 8, 1904:

"I would urge that in the present state of our knowledge it is not right or safe in the interests of public health that any unskilled person should be permitted to dose the public with preservatives, even with less harmful preservatives." (James Hendrick.)

When we consider that the excretion of most of these substances (preservative) falls chiefly upon the kidneys and recognize the fact that kidney disease is a main cause of the loss of one kind or another of vitality in middle life, and, indeed, figures very largely in mortality records, we can not but feel that the legalization of potent germicide is a matter of the most serious kind."—Doctor Magill, address before British Medical Association, Toronto, August, 1906.

These decisions (Food Inspection Decision, 101-102, United States Agricultural Department), as every practicing physician must know, are fraught with great danger to the public health. There is considerable difference between the foods of any poison or irritant given in a few experiments in the laboratory and those of the same poison taken continuously after long periods, even in small quantities. I have not the slightest doubt that sodium benzoate, and especially the commercial or synthetic benzoate, taken in foods more or less continuously will derange digestion and set up irritation and degenerate changes in the gastro-enteric mucus. (Dr. S. Solis Cohen, Philadelphia; General Medical Association, January, 1909.)

International Congress of Medicine, Madrid, April, 1903:

"Long-continued use of food containing antiseptics may cause grave digestive disturbances, the real cause perhaps not being recognized by physicians. The substance administered in small daily doses for a long time may show its toxic effects very different from those caused by the single administration of a medical dose of the substance. The statement on the label of the presence of the antiseptic is not sufficient for the protection of the consumer, as in most cases the latter is ignorant of the danger of the chemical preservative." (Dr. P. Bronardel, delegate of Legal Society of Medicine of France.)

Presidential address, North Wales Branch British Medical Association:

"In actual practice the ingredients are daily used in unknown quantities, and often under distressing and lowering circumstances. It is also proved that fully 80 per cent of preservatives used in food are excreted unchanged by the kidneys. This statement has been confirmed by Doctor Hannington, who states that in his investigations he found 'the kidneys inflammatory.' The action becomes insidious, and although there may be but few instances of acute poisoning, it is interesting to note the comparative prevalence of diseases of the alimentary system in 1904 as compared with twenty years ago, when the use of these preservatives was not carried on to such an enormous extent as it is in these days." (Dr. Richard Jones.)

You may take it when antiseptics are added it is because the proper means are not adopted to insure sterilization; to prevent, in other words, the ill results from bad working or the use of poor or dirty material. As a rule you will only find antiseptics added by second-rate firms and to the cheapest articles.

There is no doubt that the unrestricted use of these should be condemned, for although in the case of those more commonly employed the recorded instances in which the practice has caused harm to the consumer are few, the ignorant employment of large quantities may effect slight and indirect injury to health, and are capable of seriously interfering with digestion. Salicylic acid is depressing, benzoic acid is irritating, sulphurous acid is a gastric irritant, and formaldehyde has a strong tendency to combine with protids and to harden them and reduce their digestibility.

Moreover, the use of chemical antiseptics is not necessary, and they facilitate an uncleanly, slovenly treatment of food, and render it possible to preserve articles in incipient decomposition for some time with every appearance of freshness. (Journal of the Sanitary Institute, vol. 26, 1905-6, pp. 276-277. H. R. Kenwood, professor of public health, University College, London.)

It is not permissible to agree to the proposition that the maximum amount of any single preservative shall be determined. As in the case of strong poisons, views of experts as to toxic doses in single or repeated use are widely divergent, and it is much more difficult to determine with scientific accuracy the active qualities of preservatives which may be used for years. Even if it were possible to determine the quantity of every preservative which would not injure health when consumed with the food in a single day, further difficulty would arise when this daily dose of the material under consideration would have to be distributed among the foods to be preserved thereby, and which would be consumed in the various meals. (Deutscher Reichs-Anzeiger, Berlin, Feb., 1902.)

International Congress for Hygiene, Berlin, 1907:

"The application of chemical methods of preserving food increases dangers to health in many ways:

"(a) The added preservative may be directly injurious to the human body. In this connection the dangers to children, invalids, and old people should be considered. The general use of chemical preservatives may cause a considerable amount thereof to be ingested in one's daily food, even though each single article of food contains very little.

"(b) The preservative may decrease the nutritive value of the food.

"(c) The addition of a preservative may permit a careless and dirty method of manufacture.

"(d) The addition of a preservative stops the growth of bacteria that has already begun in the food and thereby keeps it in an apparently unchanged, fresh state, when in this food poisons quite sufficient to make it dangerous to health have already been formed. If the preservative had not been added, the food would have continued to decay, when its condition would have been a warning against the use of it.

"(e) The added preservative may only apparently stop decay of the food, when the latter may become poisonous. In these cases the preservative has not removed the danger from decayed or stale food, but it has removed the warning of the danger, viz, the changed appearance of food that is not sound or fresh.

"This effect is specially dangerous when the preservative has no perceptible taste or smell by which the purchaser or the consumer may know he has to deal with a food containing a chemical preservative.

"For the protection of the health of the people, it is not sufficient to prohibit such preservatives as have been already proved to be harmful, because the injurious effects of many substances are manifested very slowly and may not be noticed for a long time. The principle should be that no added preservative shall be permitted that has not been proved harmless by long-continued experiments on animals and on human beings." (Dr. M. Gruber, Prof. K. B. Lehmann, Dr. Th. Paul.)

"Concur in the opinion of Messrs. Gruber, Lehmann, and Paul that all chemical preservatives should be prohibited by law except those that have been used for centuries and have been found to be harmless." (Dr. Abel, Berlin.)

If benzoate of soda is used in food for human beings it may cause grave injury to health, especially when consumed by invalids and delicate people.

Benzoate of soda should be included in the list of preservatives injurious to health. (Dr. Doeppner, University of Königsberg.)

I have long held the opinion that the practice of adding antiseptics to articles of food which are daily and habitually consumed by individuals of all ages is not a desirable practice. (Sir Henry Thompson.)

Because no tangible evidence is forthcoming of injury to health arising from the employment of antiseptics in small quantities for the preservation of articles of food, I do not consider that our knowledge can be regarded as sufficiently extended and complete upon the point to permit its being absolutely taken for granted that no injury is producible. By the use of antiseptics it is the vender and not the consumer that is benefited. (Dr. Pavy.)

The onus of proof rests with those who use preservative substances in foodstuffs. We know that the question of idiosyncrasy enters largely as to whether the substances used—salicylic acid, boric acid, and the like—are dangerous. And what may be comparatively harmless in ninety-nine cases out of a hundred may be exceedingly harmful in the hundredth case. Also, what may be considered harmless when given in a single dose, or for a short period, may have very serious effects if continued over a lengthened period and the physiological effect of multiple doses, especially if the substances have an accumulative action, may be exceedingly harmful. (Dr. G. Sims Woodhead.)

On general a priori grounds it can hardly be doubted that the continued use of even small quantities of antiseptics is injurious. (Dr. W. D. Halliburton, The Lancet (London) 1897.)

(Meeting American Public Health Association, Boston, 1905.)

Formol, or formaldehyde, acid benzoic, salicylic, sulphites, bisulphites and hyposulphites, boric acid, boratium of soda, and silicate of soda, as also fluorides and fluoroborates, are products dangerous to health, and which are recommended against the opinions of hygienists who, with reason, proscribe all these additions.

The foods conserved with these products are less assimilable and their digestion slower and incomplete. Some of these foods certainly increase mortality.

Studies of great importance have been made with other products, such as sulphite of soda and all the remaining compounds which owe their properties to sulphurous acid.

The fatty degeneration of the parenchyma of the kidneys is due to the continued use of this product, as shown by Doctor Kionka, who has since 1896 experimented with these substances on a grand scale on dogs. (Prof. Jose D. Morales, Mexico.)

#### COMPARATIVE EXAMINATION OF THE PHARMACOLOGICAL ACTION OF ORGANIC COMBINED SULPHUROUS ACID AND NEUTRAL SODIUM SULPHITE.

[By Reg.-Rat. Dr. E. Rost and Dr. med. Fr. Franz.]

1. The principal result of the preceding experiment is, first, the determination that sulphurous acid in no way loses its poisonous properties, for all conditions, by its combination with aldehyde, sugar, and acetone. The addition products are neither inactive, as has been claimed by some, nor have they a peculiar action independent of the properties of their single constituents, but they act according to their wont, not other than sodium sulphite or sulphurous acid.

2. A further result is therefore: The dissolution of the organic bonds of the combined sulphurous acid is the necessary precedent for the appearance of the action. The speed with which this dissolution proceeds determines the quantity and concentration of the active constituent broken off, the same for all the compounds examined, and therefore the degree of the poisonous action and the speed of its appearance.

3. The third result of the preceding investigation is therefore: The poisonous series determined under the experimental conditions maintained proceeds parallel with the series in which the four compounds concerned appear according to their dissociation which proceeds gradually in aqueous solution, measured with iodine solution (at ordinary temperature) by the part of the combined sulphurous acid which could be titrated.

In the single experimental series in which all experimental conditions were maintained the same, so that the results of the series concerned were comparable, the four combined sulphurous acids examined differed always in the same way one from the other. In all experimental series the glucose compound showed sulphite action strong-



est: It dissociates fastest in aqueous solution; in all experimental series the acetaldehyde compound was less poisonous; it dissociates to a less degree in aqueous solution. Only the formaldehyde compound, being still less dissociable, showed itself less poisonous in our experiments. (Arbeiten aus dem Kaiserlichen Gesundheitsamte, 1904, vol. 21. Work from the Imperial Health Department (Germany), 1904, vol. 21.)

NORTH DAKOTA AGRICULTURAL COLLEGE,  
February 1, 1909.

Hon. A. F. LEVER, M. C., Washington, D. C.

DEAR SIR: Replying to your favor of January 30, I am in receipt of your telegram reading as follows:

"Does your association oppose the use of all chemical preservatives in foods? Are you officially and personally opposed to the use of all chemical preservatives in foods? Will the legalization of an unrestricted use of benzoate of soda result in harm to infants and invalids? Would you favor letting all questions go to courts instead of being officially decided by the referee board of consulting chemists? Wire answer and write full particulars at once."

The Association of State and National Dairy and Food Departments at their annual conference at Mackinac August 4 to 7, 1908, unanimously adopted the following resolution:

"Resolved, That this association is convinced that all chemical preservatives are harmful in foods, and that all kinds of food products are and may be prepared and distributed without them, and pledges its best efforts to use all moral and legal means at its disposal to exclude chemical preservatives from food products, and to this end we ask the cordial support of all national, state, and municipal authorities charged with the enforcement of food and drug laws. And in this connection we desire to express our gratitude for the helpful services of the medical profession generally, and especially to the American Medical Association."

Thus placing themselves on record as squarely opposed to the use of chemical preservatives of any kind in the preparation of food products, and this came as the result of the experience of food men of the country, both food commissioners and chemists, after many years of study and observation.

Personally and officially I am opposed to the use of all chemical preservatives, and the legalization of an unrestricted use of benzoate of soda will, in my judgment, result in harm to infants and invalids and introduces into the system a product which is not a food but a drug and medicine, a product which is recognized by the physician to modify some vital action of the body without itself furnishing any nutriment to the body.

I am opposed to the use of benzoate of soda for the further reason, without regard to its effect upon health, that where benzoate of soda is used we often find vegetable products which have become decayed and are unfit for human food and could not and would not be utilized if benzoate of soda were not employed as a preservative agent.

At the present time our examinations show, for example in catsup, that when catsup is made from ripe tomatoes without the use of preservatives the product keeps and there are very few mycelium present, indicating little or no decay. In the majority of cases where benzoate of soda is used, an abundance of mycelium may be found by the use of the microscope, showing clearly the refuse character of the material employed, and that decayed material is largely admixed. The same thing is true with regard to other food products.

Personally, it seems to me that the only place for testing the law or for deciding the questions involved under the law is in the courts, and that the official in charge of the food law should be allowed the greatest degree of latitude. Where there is a difference of opinion between the food official and the manufacturers the courts should decide each individual case and establish the precedents to be followed.

Yours, very truly,

E. F. LADD.

LETTER FROM A CALIFORNIA WINE PRODUCER STATING WHAT THE PERMISSION OF BENZOATE OF SODA WOULD MEAN TO THE CALIFORNIA WINE PRODUCER.

[From letter of Percy T. Morgan, dated February 1, 1909.]

You can, I think, well understand how much "up in the air" we are at this decision of the "referee board" on benzoates. For ten years we have been fighting the use of preservatives in wine. Now, it would seem that all the labor we have expended, all the trouble we have gone to, all our immense investments in permanent structures for storing and maturing wines, and in fact everything that made the wine business attractive to settled capital and tended to withdraw it from the realms of pure gambling from season to season has, all at one sweep of the pen, been nullified. If deleterious fermentations can be arrested and held by the use of antiseptics, then skill and care in wine making will become old-fashioned and obsolete. The careful nursing of wines, the elimination of distillation of those developing poorly will be commercially unnecessary, because in the initial stages all defects will be able to be covered up by sophistication.

As I have said before, we do not know where we stand; we do not know what course to take, because it is perfectly patent to anybody who knows anything of the wine business that the greatest items of expense in connection with it are interest, taxes, insurance, and evaporation upon the maturing product. If it is not necessary in order to make wine marketable, to mature it so that clarification is a natural process; if all imperfections can be concealed and the wines rendered clear and marketable through the addition of extraneous agents, then all a wine merchant needs for the ordinary line of trade, namely, the supplying of the daily wine consumer (who looks to the price of his beverage as one of its most important things), is a shed, a few tanks, and a good supply of bill heads.

I print here parts of an editorial from the February number of the National Food Magazine:

The people of the United States believe chemical preservatives to be harmful—the farmer and the urbanite are of one opinion on this subject.

While chemists have detected their harmful qualities from laboratory experiments, the people have learned of them through sad experience.

It is probable that there is not a man, woman, or child in the United States, not interested in a food factory, who would not vote against the use of chemical preservatives in foods.

With the preponderance of evidence to the effect that chemicals in foods are harmful and poisonous, it would at least seem that there is room for doubt as to their legality and wholesomeness. As long as there is such a doubt, why should not the people be given the benefit of

it instead of the manufacturers of chemical foods? Are the people not as worthy?

Even, however, if we should disregard this mighty array of evidence that chemicals are harmful, there is still another reason why they are illegal and should not be used. This consists in the facts that they are not foods; they contain absolutely no food value, and the only possible excuse for their use is to lessen the cost of production, conceal inferiority, and encourage slovenliness and insanitation in food factories.

THE PEOPLE MUST KNOW THE CAUSE.

But there are manufacturers of legitimate foods who have souls and consciences, and who would rather go out of business than to be responsible for such widespread disaster as they firmly believe results from the chemical treatment of food products. They say that chemicals are unnecessary for the preserving of foods when pure raw products are employed and when absolute cleanliness is observed in the manufacture. It would seem that our national authorities ought to side with this class of manufacturers and with the people instead of with the class of manufacturers which caused the pollutions of America's food supply before the enactment of the national food law.

PURE-FOOD MANUFACTURERS ORGANIZE.

The attempt to nullify the provisions of the national food law has aroused new and powerful forces into action. The highest class of manufacturers, who originally favored the enactment of a national food law, and who have been satisfied to abide by its provisions, both in letter and in spirit—regardless of the numerous exceptions and rulings that have been made in favor of the manufacturers of low-grade materials—are now up in arms to secure their own protection from the vilest kind of competition to which they have been subjected.

These manufacturers of strictly pure, high-grade foods have organized themselves into a mighty force. The organization will represent a combined capital of millions of dollars. It will expose the graft there is in the manufacture of food frauds. It will open the eyes of the people to where they are being robbed and swindled by the meanest kind of deception. It will bring into view conditions existing in many food factories worse than Upton Sinclair ever pictured in Packing Town.

This organization of pure-food manufacturers proposes to make itself felt with the administration at Washington and with the food department in every State.

Also parts of an editorial from The Outlook of January 30, 1909, a paper with which President Roosevelt is to become identified after the 4th of March:

PURE FOOD AND DECENT FOOD.

One of the best results of the operation of the pure-food law has been to make it possible for people to learn for themselves what prepared food products are mixed with chemicals and what not, and to decide, apart from any question of possible poisoning, which kind they prefer to eat.

There are certain chemical substances concerning which, among scientists, some doubt may exist as to their injurious effects; yet if even these are used, the label on the bottle or package must state the fact. Now, it is urged, with much force and truth, that even where chemicals used for preservative reasons are not in themselves poisonous, yet their use allows the manufacturer to put up inferior fruit, or meat, or what not, and even to put up refuse material—in some cases it is alleged that the material rejected and thrown on the floor when putting up the superior brands is swept up and included in goods of the cheaper brand. If it is true that the use of chemical preservatives allows such abominations to go undetected, then the consumer may well, for his own sake, refuse to buy tinned or bottled food products when the label shows, in however small print, that a chemical preservative has been used. But this raises another question, namely: Is it possible to put food products on the market without the use of chemical preservatives? Here we find another exceedingly encouraging result of the pure-food law. Several of the larger and better-known manufacturers of such products, actuated evidently both by genuine interest in the consumer's welfare and by a sound commercial instinct, have declared that in most if not in all cases the use of preservatives is quite unnecessary. Every housewife knows that fruit, for instance, if carefully selected, with the rejection of all tainted parts, carefully handled, not diluted with water, and protected accurately and positively from the air, will "keep" perfectly well with only the addition of sugar and, if desired, of spices. What can be done by the ordinary housewife can be done with far more certainty if performed on a large scale with the increased accuracy of measurement, mixing, and handling which naturally and necessarily accompanies wholesale manufacture. It is true that some large manufacturers declare that unless chemicals are used there is danger of ptomaine poisoning, and that their rivals who will not use chemicals bring about the same result to some extent by the excessive use of condiments, and that these in turn may serve to conceal the early stages of taint. The best authorities in this country, however, and we may add the practical experience in every household, confirm the reasoning of those who believe that "pure food" means "nothing but food"—that is, no chemicals. Furthermore, the consumer must be very careful not to assume that a chemical is not in fact injurious. Take, for instance, benzoate of soda. The chemist of the Department of Agriculture has never declared that this substance is altogether harmless, and, as we understand it, entertains a contrary belief. Yet, since there is a fair difference of opinion among scientists on this point, and as regards certain other chemical substances used in the preparation of food, their use in limited quantities and with the fact stated on the label has been permitted temporarily.

The resolutions of the canners referred to in the body of my remarks are as follows:

[Louisville Courier-Journal, February 5, 1909.]

THREE THOUSAND CANNERS ADOPT RESOLUTIONS.

The committee on resolutions, composed of Hugh Orem, of Baltimore, chairman; S. F. Hazerot, of New York; William R. Roach, of Hart, Mich.; L. A. Sears, of Chillicothe, Ohio; and George G. Bailey, of Rome, N. Y., offered several resolutions regarding important legislation that were unanimously adopted. These resolutions follow:

"Prior to the enactment of the food and drugs act by the Congress of the United States, in 1906, the National Canners' Association, in convention at Atlantic City, N. J., placed itself upon record and published its findings to the consumers of the United States, declaring its unequivocal, unalterable, and inflexible opposition to the use of chemical preservatives in whatever form or by or under whatever name.

"To this positive, definite, and advanced action and the influence of the National Canners' Association, which was brought to bear upon the

representatives in Congress, the adoption of the pure-food law was largely due.

"Since the adoption of the federal law various state laws have been enacted regulating the canning and selling of hermetically sealed fruits and vegetables. In the main these laws accomplish the same purpose of the federal law, but not infrequently they differ in some minor provision, subjecting the canner to a useless and unnecessary expense in his desire to comply therewith. Uniformity of state laws with the national law is most desired and earnestly recommended. It is therefore

*Resolved*, That the National Canners' Association in convention reaffirm every action in the past wherein it has protested against the use of chemical preservatives in the manufacture of canned food as entirely useless and unnecessary, sterilization by heat being the only preservative known or of any use to the canner.

#### NOT INTERESTED IN CHEMICALS.

*Resolved*, That the membership is not interested in the merits of chemical preservatives of any kind, nor, indeed, has it any knowledge either as to their beneficial or harmful effects. Our interest is confined exclusively and entirely in acquainting the public that such preservatives have not been nor are they now used by the canner in the preparation of his food output.

*Resolved*, That the thanks of this association are due and are thus conveyed to Dr. Harvey W. Wiley for the many favors given this association, and for his hearty cooperation with us in upholding the letter and the spirit of the law. His services have been invaluable to the consuming public and he is justly entitled to the gratitude he is receiving from the American people.

*Resolved*, That the legislative committee of this association shall be instructed to adopt ways and means whereby the various state pure-food laws may be amended to conform more closely to the act of Congress known as the 'Food and drugs act.'

#### NAVY SNUB FOR DOCTOR WILEY—DEPARTMENT ORDERS CATSUP PRESERVED WITH SODA BENZOATE.

NEW YORK, February 6, 1909.

That the Navy Department and Doctor Wiley are at odds on the poisonous character of benzoate of soda is shown in the latest proposal from the Navy Department. On October 3, 1908, the Navy Department called for proposals for 600 gallons of tomato catsup. The specifications describing the catsup say that it is to be made of whole ripe tomatoes and must be guaranteed to keep at least three months.

It is right here the proposal and Doctor Wiley come into conflict. Doctor Wiley, after extensive study last June, came to the conclusion that benzoate of soda as a preservative was deleterious. President Roosevelt's board took up the matter and disagreed with the doctor. Now, to clinch the matter, the navy proposal specifies outright that the benzoate of soda is to be the only preservative used.

Doctor Wellman, who it is presumed has something to do with the specifications for the catsup, has not been heard from so far, but it is expected that the controversy may lead to an investigation of the Navy Department's method.

#### NAVY DEPARTMENT, BUREAU OF SUPPLIES AND ACCOUNTS, Washington, D. C., February 9, 1909.

SIR: Referring to your visit to the bureau to-day, the attached article in the Washington Post, headed "Navy snub for Doctor Wiley," in representing that the Navy Department has disagreed with Doctor Wiley as to the use of benzoate of soda is incorrect and without foundation. On the other hand, this bureau has been only too pleased to follow the wishes of the Chief of the Bureau of Chemistry in regard to any provision in the specifications for any article which it purchases for the naval service. The facts are that when the question of preparing the specifications for catsup was under consideration the bureau consulted with Doctor Wiley's office as to the use of benzoate of soda; and inasmuch as it had not been then determined as to whether this article should be prohibited commercially under the pure food and drugs act, it was decided to incorporate into the specifications a provision requiring each bidder to state the percentage of benzoate of soda which was used by him. In accord with this arrangement those firms who offered their products in which this article was used stipulated the percentage, and other manufacturers who did not use it omitted filling in the amount used.

The bureau did not require the use of any preservative. Some firms submitted bids on catsup put up with not more than one-tenth of 1 per cent of benzoate of soda, and others used no preservative at all. This arrangement was made, as stated above, solely because it was not specifically prohibited in commercial use, and the bureau was awaiting the decision of the Bureau of Chemistry as to whether or not it should be used.

Since the passage of the pure food and drugs act the bureau has been working in entire harmony with Doctor Wiley's office in regard to any changes or amendments in specifications, and all of its contracts for provisions contain the following clause:

"It shall be expressly understood that all of the provisions to be furnished under this contract are guaranteed by the contractor to conform to the provisions of the national food and drugs act, approved June 30, 1906, as well as conforming to any state law in which deliveries are made, in so far as they apply; compliance therewith will be proved by tests made at the navy-yard, or under the direction of the Secretary of Agriculture, and shall conform to the standards prescribed in Circular No. 19, office of the Secretary of Agriculture, dated June 26, 1906, or to such other standards as may be subsequently adopted by that department."

The bureau considers itself very fortunate in obtaining the expert assistance of the inspectors of the Bureau of Animal Industry, Bureau of Chemistry, and other bureaus of the Department of Agriculture. Its inspectors now inspect all meats and meat-food products, groceries, butter, etc., which are purchased for the enlisted men of the naval service and which forms part of the ration allowed each man by law. This assistance has been rendered with hearty cooperation, and has resulted in improving very materially the quality of the food furnished the enlisted men. No changes in specifications for any article are adopted until after the approval of the proper bureau of the Department of Agriculture, and this bureau is in constant consultation with that department in regard to questions which arise in conducting official business.

The bureau is pleased to take this opportunity to express its highest appreciation of the valuable assistance which it has received from the officials of the Department of Agriculture, particularly those of Doctor Wiley's office, and it is always only too glad to follow their wishes in any question which may arise.

Respectfully,

E. B. ROGERS,  
Paymaster-General, U. S. Navy.

The Hon. A. F. LEVER,  
House of Representatives, Washington, D. C.

Mr. HAUGEN. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. OLLIE M. JAMES. I ask unanimous consent that the time of the gentleman from South Carolina may be extended for five minutes.

Mr. SCOTT. I shall have to object to that.

Mr. LEVER. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. SCOTT. I now yield two minutes to the gentleman from California [Mr. SMITH].

Mr. SMITH of California. Mr. Chairman, the question before the House is a very important one and yet not a very difficult one to understand. The thing that we are all trying to do is to discover the truth. The pure-food law passed a few years ago made it unlawful to place upon the market foods that had been adulterated or treated in a manner which rendered them injurious to health.

I shall speak particularly with reference to the treatment of dried fruit, as that is the one that interests my constituents, and it is a question with which I am most familiar. It is the practice in California, where fruits are dried in the sun, to give them a smudge of sulphur. Doctor Wiley, the eminent chemist which we admit him to be, does not say that all applications of sulphur fumes are injurious, but he admits that they may be used up to a certain point. We differ from him as to the amount of sulphur that may be safely used. It is the judgment of the fruit growers of California that if we were limited to the very small amount that he suggests, it would practically drive us out of the dried-fruit business, unless we could discover a new treatment.

The question was considered of sufficient importance for the President to refer the matter to five of the most eminent chemists in the land. The gentleman from South Carolina [Mr. LEVER], urging his point, does not object to a rehearing of the matter; he does not urge that the opinion of Doctor Wiley shall be conclusive. But he says, "go to the courts."

Mr. LEVER. Where the law says you must go.

Mr. SMITH of California. We say, "go to the most eminent aggregation of men on this subject that you can possibly have in the Nation."

Suppose we take up the course suggested by the gentleman from South Carolina [Mr. LEVER] and take the matter into court. What results? We stand before a lawyer and ask him to determine a purely scientific and hygienic question. Of course no upright judge would undertake to solve the question by the knowledge he had obtained from the law books. He would be obliged to take testimony, and expert testimony, of course, and hence we should, by a circuitous route, get back to the point where we now stand, except that it is doubtful if any court in the land could command the testimony of such eminent and disinterested witnesses as the President has called in in the present instance. The question involving the sulphuring of fruit would probably be tried in the West, where sulphur is used, where the defendants reside. If the use of the benzoate of soda is to be tested, that would go to the courts in the jurisdiction where that preservative is chiefly used, and so on through the list of disputed points. Is it probable that any of these courts will sit in entirely disinterested surroundings? And could and would a judge in California call in the best men from the East, South, or Middle West?

Let it not be forgotten that the fruit and vegetable growers will suffer seriously by having this case dragging through the courts, with the attendant notoriety, not to mention the injury done by the preliminary order resting on Doctor Wiley's finding.

Why should these roundabout and injurious methods be chosen when there is now in session a "court" of ideal composition quietly seeking for the truth? This body has been at work for a year past, and to cut it down now would be to cast aside all it has accomplished. From every point of view I hope the amendment will not be agreed to.



## MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PERKINS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes.

## AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. SCOTT. Mr. Chairman, I now yield three minutes to the gentleman from Iowa [Mr. DAWSON].

Mr. DAWSON. Mr. Chairman, the amendment submitted by the gentleman from South Carolina [Mr. LEVER] is a most remarkable proposition. Its purpose and effect is to make the chief of a division in the Department of Agriculture paramount to the head of the department himself.

It seems to me there can be no escape from the proposition that the responsibility for the administration of the pure-food law must rest with the Secretary of Agriculture as the head of that department. The Secretary of Agriculture ought not to be simply a scientist or a chemist—he should be an eminently practical man, such as the present Secretary, Hon. James Wilson, who has filled that position for the past twelve years with such great distinction to himself and such vast and far-reaching benefits to his country, and whose service in that department I trust may continue for many years to come.

Now, we are confronted with the question—with responsibility for the enforcement of the pure-food law placed upon the Secretary, are we to deny him the right to call in such expert assistants as he may require for the proper determination of scientific questions arising under that law? Secretary Wilson gives it as his personal opinion that it is necessary for him to have the assistance of eminent and distinguished experts. It seems to me, Mr. Chairman, there can be no reasonable doubt that this House ought not to set up a chief of division—even so eminent and able a man as Doctor Wiley—not only above the Secretary of Agriculture, but above the President of the United States. Surely it is not wise to make the chief of a division the final arbiter in such important matters, especially when final responsibility rests with the Secretary.

Mr. LANDIS. Is it not true that the Bureau of Chemistry is now composed of expert chemists?

Mr. DAWSON. To be sure; but the expert scientific gentlemen everywhere are always in controversy as to what the real truth is.

Mr. LANDIS. How much nearer the truth are you if you refer it to this board of chemists composed of the heads of colleges?

Mr. DAWSON. The Secretary of Agriculture, upon whom rests the responsibility in the last analysis for the enforcement of the pure-food law, ought to have the power to call in such experts as he may wish in regard to determining technical and scientific questions and to assist him in reaching an intelligent judgment in these matters. That is the nub of the whole question.

Mr. SCOTT. Mr. Chairman, I now yield two minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER of Illinois. Mr. Chairman, I believe I am as firm a friend to the pure food and drug legislation as any man in this House. I think that when we have heard to-day the statement in reference to pure food, and that this means that we are not to continue investigations in reference to poison put in food, I think it is a mistake. The idea is this: If conditions continue to go on as they are now, Doctor Wiley, for whom I have as high a regard as any man in the House, will be supreme in his decisions. His decision will be final; and when he makes a decision there will be no appeal, except if in his judgment we violate the law we will be permitted to go into the court, permit ourselves to be arrested, and demonstrate whether Doctor Wiley is right or wrong.

Now, if this referee board is appointed, it simply means this: That you have that much more evidence, if they agree with Doctor Wiley, that he is right. It is sometimes the case that men are mistaken in these things; sometimes as good men as Doctor Wiley are mistaken in their opinions in reference to what is deleterious to health, and, in my judgment, I believe this board ought to be kept in force so the Secretary of Agriculture may have these questions referred for final decision, that are matters of dispute in the medical profession and among scientists.

Mr. STANLEY. Will the gentleman yield for a question?

Mr. FOSTER of Illinois. Yes.

Mr. STANLEY. In the event that the Supreme Court of the United States should render a decision which was manifestly erroneous and oppressive to the great majority of people and to the President of the United States, and the President should appoint a commission to review that decision of the Supreme Court, would the gentleman approve that act or regard it as legal?

Mr. FOSTER of Illinois. Mr. Chairman, I do not believe that is an analogous case to the one we are discussing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER of Illinois. I want to say just one word in addition, if the committee will bear with me, that so far as benzoate of soda is concerned, if used in small quantities it may likely not be deleterious to health, yet I think the greatest caution should be exercised in the use of any preservative. Nothing, in my judgment, should be done to impair the effects of the pure food and drug law. I believe a referee board, where those who are dissatisfied may go for appeal, will have a tendency to strengthen the act.

Mr. SCOTT. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. DRISCOLL].

Mr. DRISCOLL. Mr. Chairman, we are all working to the same end, that the pure-food law may be enforced and that only healthful and wholesome food may be allowed to go into trade. Chemistry is an occult science about which the ordinary man knows but little, and it is quite true that great chemists may differ as to their analyses of various things. This is an important question not only to the consumer but also to the producer, and the best ability obtainable in the decision about which there is grave dispute should be secured. And no man should arrogate to himself all the ability or knowledge of this important matter. The good judge of an inferior court is always glad to be reviewed by a court of appeals. He has no pride, and he is willing to have his judgments reviewed and to follow the decision of the higher court in his next decision. This board of referees is a court of appeals in this matter of the analysis of foods. I do not know any of them except the chairman, Dr. Ira Remsen. Thirty-odd years ago, when I was in Williams College, Doctor Remsen was the professor of chemistry and physics in that institution. He was a young man then and he was an able chemist and a great physicist. He was accurate in all his analyses. He was an honest man and he was fearless. He has been growing ever since and he is now the president of Johns Hopkins University. He is the foremost chemist in the United States to-day. Notwithstanding my respect for Doctor Wiley, for his ability, his character, his honesty, I do not think he ought to refuse to be reviewed or to have any of his examinations on important matters reviewed by so great a man as Doctor Remsen, and I do not think that we ought to deprive ourselves or the people of the country of the protection assured to them by the scientific knowledge of that great chemist and honest man who is now the president of Johns Hopkins University. This proposed amendment should fail.

Mr. SCOTT. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. TOWNSEND].

Mr. TOWNSEND. Mr. Chairman, personally I object to the statement that has been made or intimated to the effect that all of those who would oppose this amendment are not friendly to the enforcement of the pure-food law. I also dissent from the statement that the manufacturers of this country are opposed to that law. I myself was a member of the committee which framed the pure-food act and which sat and took the testimony of gentlemen who were interested, and I saw only one disposition, and that was to have a law that would protect the public against impure food and drugs and at the same time afford protection to the manufacturing interests of this country which would try to obey that law. What do gentlemen propose? It is to prevent as far as may be the possibility of obtaining the highest, fullest, and best information on foods and food preservatives—to prevent fullest information on doubtful and yet most important questions and leave the decision to one man. And the gentleman from South Carolina [Mr. LEVER] has served notice that he has others if this shall fail. Nobody on this floor has attacked for one moment the finding of the referee board about benzoate of soda.

There is not a man who has questioned the honesty, character, or ability of the gentlemen who constitute that board. I submit that it is not a question of pure food, it is not a question of using deleterious preservatives, but it is a question, in spite of all that gentlemen may say to the contrary, as to whether one man shall decide this question, because the amendment proposes—

Mr. LEVER. Mr. Chairman—

Mr. TOWNSEND. Oh, I do not want to be discourteous, but I would like to finish this statement.

Mr. LEVER. Will the gentleman yield then?

Mr. TOWNSEND. Certainly, if I have time. Under the law as it exists now, when the Chief Chemist decides that a substance used as a preservative is not fit or that any form of food is not proper to use, and a dealer or manufacturer violates such opinion of the Chief Chemist, suit may be brought. The defendant is brought into court and is tried by the standard which the Chief Chemist has laid down. The defendant has the burden of proving the harmlessness of the thing used and must bring in the men of superior expert ability to make his defense. Why not let a board of such experts pass on these questions of general importance before the man is branded as a criminal and his business injured, if not ruined? I submit, gentlemen, that what the Secretary of Agriculture did in suggesting this board of referees was just what Doctor Wiley, in the printed testimony before our committee, said should be done.

Mr. OLLIE M. JAMES. But Congress refused to do it?

Mr. TOWNSEND. No; the House passed a bill including a provision for a board of referees, and it went out in the Senate; but when the question was brought up to Doctor Wiley before our committee he was asked what objection there was to a board of this kind, and he said there was no objection to experts that he could see, but it was not necessary to put it in the law, for the Secretary of Agriculture would take advantage of all these opportunities in finding out what were deleterious and what were harmless.

Mr. LEVER. Will the gentleman yield now?

Mr. TOWNSEND. Yes, I will; but the gentleman must remember I have only five minutes.

Mr. LEVER. I understand; but I would like very much to ask the gentleman from Michigan what reason there is for the use of these preservatives at all.

Mr. TOWNSEND. I do not know, and for that reason I want a board which does know to tell me about it. [Applause.]

Mr. LEVER. And for that reason I want to protect the public against the use of them. [Applause.]

Mr. TOWNSEND. Yes; the gentleman wants one man to sit in judgment, who may have already prejudged the question. Now, I have a great deal of confidence in Doctor Wiley, but if he is the eminent scientist which gentlemen claim for him he will not object to sitting in council with the eminent gentlemen who constituted that board. What we are after is to get at the truth of this matter, and we can get at it no more directly than through the provisions adopted by the Secretary of Agriculture. [Applause.]

Mr. SCOTT. Mr. Chairman, I would like to inquire how much time I have remaining.

The CHAIRMAN. Five minutes.

Mr. SCOTT. Mr. Chairman, I am anxious that the Members of this House should understand exactly what the issue is which is brought up by the pending amendment, because I am sure that if the House does understand it the amendment will be voted down.

An impression seems to prevail in the minds of some gentlemen that if this amendment is defeated in some way there will be an attack made upon the pure-food law. I wish to give assurance that there is no thought of that kind in the mind of anyone who opposes this amendment. I wish to suggest that the most beneficent law can be broken down by a harsh, uncompromising, unreasonable, and unreasoning construction and enforcement of it.

I wish also emphatically to deny that any of us who oppose this amendment do so through antagonism to Doctor Wiley, the eminent Chief of the Bureau of Chemistry. My own relations with him have long been intimate and cordial, and I have had the highest regard for his professional attainments.

But I take the position that it is the Secretary of Agriculture, and not a subordinate official of his department, upon whom has been imposed by Congress the duty of enforcing the pure-food law. I know the law prescribes that to the Bureau of Chemistry shall be referred the question of determining the character of the ingredients of foods and drugs; but that law also provides that in case any citizen feels himself aggrieved by the determination of the Bureau of Chemistry he shall have a chance "to be heard." Heard by whom? Not by the Chief of the Bureau of Chemistry, but by the Secretary of Agriculture. And why heard if not that in the Secretary of Agriculture there rests discretion to overturn the decision of the Bureau of Chemistry, if in his judgment the facts so warrant? Why should you give to the man an opportunity to be heard if you deny to his judge the privilege of rendering a verdict in his favor? There can be no question of the intent of Congress when it made the Secretary a court of appeal to whom a man who believed himself to be aggrieved by a decision of the Bureau of Chemistry

could come; and there is no doubt that Congress intended to give the Secretary discretion to get information in whatever way he thought best in order to enable him rightly and fairly to determine the matter.

And if the Secretary believes that in order to get the right information it is necessary for him to call in the aid of this distinguished board of chemists, undoubtedly he is within his rights in so doing. Moreover, Congress has distinctly declared him to be within his rights, in my judgment, because in the appropriation act—

Mr. MANN. Mr. Chairman, will the gentleman yield—

Mr. SCOTT. I can not yield now, I desire to finish this statement—because in the appropriation act for the Department of Agriculture, immediately succeeding the passage of the pure-food law, authority was given the Secretary of Agriculture—not the Chief of the Bureau of Chemistry—to enforce this law, and to enable him to do so authority was given him "to employ such assistants, clerks, and other persons" as he—the Secretary of Agriculture, not the Chief of the Bureau of Chemistry—might consider to be necessary. Under such language it seems to me that Congress plainly foresaw the necessity of the Secretary to employ experts other than those in his own bureau in order to reach a wise decision, and intended to give him the authority to do it.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the adoption of the amendment offered by the gentleman from South Carolina [Mr. LEVER], and on this question tellers have been ordered. The gentleman from Kansas [Mr. SCOTT] and the gentleman from South Carolina [Mr. LEVER] will take their places as tellers.

The committee divided; and the tellers reported—ayes 70, noes 111.

So the amendment was rejected.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 27, at the end of line 21, insert:  
"Provided, That no part of the moneys appropriated herein shall be used for payment of compensation or expenses of any member of any board of referees or other body constituted without specific authority of law for the purpose of revising, modifying, or overruling the action of any official of the Department of Agriculture had under the said act of June 30, 1906."

Mr. SCOTT. Mr. Chairman, I make a point of order on that.

The CHAIRMAN. The gentleman from Kansas [Mr. SCOTT] makes a point of order.

Mr. SCOTT. Mr. Chairman, I will withdraw my point of order and ask for a vote.

Mr. LEVER. Mr. Chairman, I should like to be heard on the amendment.

Mr. SCOTT. Mr. Chairman, I should like to inquire of the Chair whether or not debate was closed by vote of the House on this section?

Mr. GAINES of Tennessee. Mr. Chairman—

Mr. LEVER. Mr. Chairman, I did not understand that debate was closed on this paragraph. I do not think, and I do not understand, that debate was closed on this paragraph.

The CHAIRMAN. The matter is being investigated and report will be made in a moment.

Mr. SCOTT. Mr. Chairman, the RECORD shows as follows:

Mr. SCOTT. Mr. Chairman, I move that the debate on the pending paragraph close at 5 o'clock.

The CHAIRMAN. On what page is that?

Mr. SCOTT. That is on page 1916 of the RECORD. This morning unanimous consent was given to continue the debate for fifty minutes, but I do not think that it recalls the action of the House taken on last Thursday.

Mr. LEVER. Mr. Chairman, I call the attention of the Chair to the fact that even though the RECORD shows as the gentleman from Kansas has stated, that would not prevent the offering of amendments and debate upon amendments.

The CHAIRMAN. The Chair will inform the gentleman from South Carolina [Mr. LEVER] that amendments are in order, but if the time was all consumed on Thursday last by limitation, no debate is in order.

Mr. LEVER. I call the attention of the Chair to the fact that the unanimous consent or agreement entered into this morning referred to the amendment that was pending and not to future amendments.

The CHAIRMAN. The Chair so understands it. The question depends wholly upon the action that was taken when the bill was under consideration on last Thursday. It is the recollection of the Chair that the time for debate on this paragraph was limited and was consumed last Thursday. Therefore the



question is upon agreeing to the amendment offered by the gentleman from South Carolina [Mr. LEVER].

Mr. WILLIAMS. Mr. Chairman, that being the case, in order that the committee may know what it is voting upon, I ask that the amendment be reported once more.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. LEVER. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 53, yeas 79.

So the amendment was rejected.

Mr. LEVER. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of line 21, page 37, after the word "dollars," insert:  
"Of which sum not to exceed \$60,000 may be used for the payment of all expenses of the referee board of consulting chemists."

Mr. SCOTT. I have no objection to that amendment.

Mr. MANN. I reserve the point of order on this amendment, or I make the point of order. It is clearly subject to the point of order. I do not see how it could be otherwise. It is a specific authorization of \$60,000 for purposes not now allowed by law. It is not a limitation, it is an authorization.

Mr. LEVER. I understood the Chair to rule that the point of order would not lay against the original language, because there was no law for this very thing.

Mr. MANN. It is not the original language at all. Here is a specific authorization for a board of referees not now created by law. Whether you can pay a board of referees out of the appropriation is one thing. This is a specific authorization for a particular class of employees. It is practically obligatory.

Mr. LEVER. Will the Chair permit me just a word on the point of order? I agree fully with the gentleman from Illinois that this referee board was not authorized by law and is not authorized by law. This amendment is offered largely for the purpose of permitting gentlemen on that side, and a few on this side, to chew their own cud for a little while. [Laughter.]

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For the investigation of soils, and for indicating upon maps and plats, by coloring or otherwise, the results of such investigations, \$137,360.

Mr. UNDERWOOD. Mr. Chairman, I desire to offer an amendment to the paragraph.

The Clerk read as follows:

Page 29, line 5, change "one" to "two," so as to read "\$237,360."

Mr. UNDERWOOD. Mr. Chairman, this amendment increases the appropriation for soil-survey work \$100,000. The reason I offer this amendment is that I believe the most important work that is being done by the Department of Agriculture is the base work, on which all of its investigations must depend, and that is upon the soil. Unless the farmer, or whoever is interested in agricultural developments, knows what is in the soil, all of your scientific investigations go for naught, because they are absolutely based upon the soil as the foundation stone of the entire investigation. The soil survey to agriculture is like a chart of the seas to navigation. In order that you may sail to the port in safety that you desire to reach you must have a chart of the seas. In order that you may accomplish what you want through scientific agriculture, you must have a knowledge of the soils to begin with before you can expect to accomplish anything.

Now, this Government is spending vast sums of money building a navy, maintaining an army, building public buildings throughout the country. I believe the appropriations for the last session of Congress amounted to something like \$800,000,000; and yet for this basic proposition of soil survey, the base of all agriculture, the committee brings in the pitiful appropriation of \$137,000.

Now, I know the answer to that is, they say the Secretary of Agriculture does not want any more money and that somebody else does not want any more money. I believe that the Agricultural Department is an excellent adjunct to agriculture. I believe in many ways it is doing great work. But the Department of Agriculture is going to science too much and to the farm too little. What good is all this investigation of scientific problems in agriculture if you do not bring it home to the farmer? To accomplish anything by it toward developing your agricultural resources, the first proposition to bring to the farmer is a knowledge of the soil he is cultivating, and then send a utiliza-

tion man to him to explain how scientific agriculture can be taken advantage of by the man who tills the soil.

The development of agriculture in this country for the last few years has grown to an untold amount. The reports show that the products of agriculture in the last year amounted to \$8,000,000,000, and that that amount has been trebled in the last twelve years; in other words, that our wealth attained through agriculture twelve years ago was only a third of what it is today. It is true the country has grown some, and population has grown some, but that does not account for the development of agriculture. It means that scientific methods, better farming, better utilization of the information that we have, has created all this great development in the field of agriculture; and if you will give them an opportunity to carry this scientific knowledge to the farm and farmer, in the next twelve years we will double the products of agriculture again. But this is the base, this is the foundation rock on which you have got to build, and I say that there is a great demand all over this country from the people, from societies, organizations, farmers' unions, from everybody, demanding that this part of the work be done, that this foundation work be carried out; and yet the committee has brought in this insignificant appropriation and asked this House to vote upon it.

The Bureau of Soils is intrusted with the study of the soil resources of the United States. The first step in such a study is to ascertain accurately, by actual field investigations, the extent, location, and character of each and every distinct soil type in the country and to determine the actual condition and efficiency of each of the different soils as a factor in the annual production of new agricultural wealth. This work is accomplished through the soil survey.

A soil survey determines the exact character of each soil, the kind of crops which it is best suited to produce, and the methods of tillage and fertilization which will lead to the most efficient cultivation of each soil. The survey ascertains by personal observation in the field the present use and capabilities of the different soils and also investigates the results which are being obtained by the most successful practical farmers owning and operating the lands in each district studied. The soil survey summarizes all present knowledge of soils, whether obtained by field investigations or by the chemical, physical, and soil fertility investigations at the bureau's laboratories. It also summarizes the experimental and research work of the various state institutions which are investigating the agricultural resources of the different States and Territories. The soil survey presents an unprejudiced statement of fact concerning each soil and its most profitable uses in each area investigated, and in the vast majority of cases also forecasts and advises additional and more profitable cultivation for each soil.

It presents to the farmer a summarized statement of the best agricultural practice in connection with the soils which he owns and works, and it also summarizes the methods of soil management and soil treatment which are used by successful farmers elsewhere on the same class of soil.

It furnishes to the state institutions engaged in local investigation an opportunity for the application of their experiments and research in connection with individual classes of soils and enables them to advise directly with the farmers in regard to the most successful treatment to increase the crop-producing power of their soils.

The soil surveys also call attention to undeveloped and unused soils and their capabilities, and direct the line of occupation of which these soils are capable, calling attention to new crops which may be introduced and to new methods of cultivation which may be employed.

The importance of the soil survey as a fundamental factor in national development may be judged from the fact that the annual production from the soils of the United States has now reached the enormous figure of \$8,000,000,000, having been trebled in the last twelve years. It is the conservative estimate of the experts in the Bureau of Soils that this stupendous amount may easily be doubled within the next fifteen or twenty years through a complete study of the capabilities of soils now cultivated and through the discovery of the proper uses for soils not now occupied as farm lands.

Such an undertaking is of the greatest national importance, not only to secure a firm foundation for the agricultural activities of the nation, but also in order that the necessities of the rapidly growing population of the whole country may be met through the increased efficiency of the farmers and the farms of the United States.

In the conduct of these soil surveys in the various parts of the United States there has at all times been hearty cooperation between the Bureau of Soils and the various state organizations interested in soil study.

In the State of Maine an extension of soil-survey work has been requested by the State College of Agriculture as a basis for recommendations by the state college in connection with the improvement of the general agriculture of the State.

The state college and experiment station in New Hampshire have requested additional soil surveys to assist them in the development of the horticultural interests of the State. In the State of New York a definite agreement has been entered into between the New York State College of Agriculture and the Bureau of Soils, providing that the state college shall furnish both men and funds for the extension of the soil-survey work within the State to serve as a basis for horticultural and agricultural surveys and the agricultural extension work of the New York state college.

In the State of Pennsylvania the dean of the college of agriculture and the director of the experiment station have requested the broad extension of soil-survey work to serve as a basis for both horticultural and agricultural work on the part of the college and station.

In the State of Maryland cooperation exists between the Maryland geological survey and the Bureau of Soils. In the State of West Virginia the field expenses of the soil-survey work are paid by the West Virginia geological survey in order that a larger amount of soil-survey work may be done each year.

The director of the Virginia agricultural experiment station has highly commended the work of the Bureau of Soils already done within that State, and has requested that additional soil-survey work throughout the State be completed as rapidly as possible.

In the State of North Carolina the North Carolina department of agriculture is cooperating actively with the Bureau of Soils, furnishing both men and money, in order to secure additional soil-survey work within the State. The North Carolina state department of agriculture is also following up the soil-survey work with direct demonstrations of the utility of each soil for the production of staple and special crops, and is using the soil surveys as a basis for its experimental work and for the work in connection with farmers' institutes.

The director of the South Carolina experiment station has requested additional soil-survey work in the State as a basis for agricultural extension work on the part of the experiment station in all parts of the State.

The state officials of Georgia have repeatedly in the past requested that soil surveys should be made in every county in which the 11 congressional-district agricultural high schools are located and in contiguous counties as rapidly as possible.

The State of Alabama has appropriated for use by the state department of agriculture the sum of \$10,000 annually to be expended in cooperation with the Bureau of Soils in making soil surveys in that State, and the commissioner of agriculture for Alabama says:

The soil-survey work in the State of Alabama is of the utmost importance to every agricultural interest. The experiments conducted upon the experimental farms in the different congressional districts of the State show that it is easily possible by procuring the right character of cotton for each of the different soil types of the State to increase the profit of cotton production from ten to twenty dollars per acre over that which is attained at the present time. A thorough knowledge of the soils of the State is essential in order to bring about this great increase in the value of the cotton crop of the State.

In Louisiana the officers of the state college and experiment station desire the rapid extension of the soil-survey work in connection with the experimental and demonstration work being carried on by these organizations.

The authorities of the state college of agriculture of the State of Missouri have recently requested that the Bureau of Soils should enter into cooperation with them in making at the earliest possible date a complete soil survey of that State to serve as a basis for further investigations on the part of the college of agriculture. They desire to expend from seven to ten thousand dollars annually of state funds to make this cooperation effective.

The chemist of the state college of agriculture desires the Bureau of Soils also to undertake cooperative work in making soil surveys in the State of Arkansas and has inquired as to the best methods for arranging such cooperation at an early date.

A similar request comes from the authorities of the state college of agriculture of the State of Washington.

A cooperative agreement between the North Dakota agricultural and economic survey and the Bureau of Soils has been in effect for nearly five years, and the State of North Dakota is furnishing both men and funds in order to secure the extension of the work in the State of North Dakota.

Wherever these cooperative agreements have been entered into between the Bureau of Soils and the various state organi-

zations a great impetus has been given to the agricultural progress of the States involved and the state authorities have in all cases requested the Bureau of Soils to allot larger funds for the work within their States as soon as the effects of the soil-survey work and its influence on agricultural uplift have become known.

The soil survey constitutes the first and most fundamental step in the development and maintenance of the agricultural resources of the United States. The work has only been in progress for a period of eight or nine years, and thus far only a beginning has been made in ascertaining the total soil resources of the United States. The work has been so distributed as to give the largest amount of information possible in regard to the different agricultural and soil regions of the country and has proved of inestimable value in the uplift of agricultural conditions throughout the entire country.

There are now on file at the Bureau of Soils the requests for over 500 different soil surveys, covering an area of more than 500,000 square miles. These requests come from every State in the Union and are supported by the petitions of agricultural societies, local and state granges, horticultural societies, and farmers' organizations of every description. In many instances they are also supported by boards of trade, chambers of commerce, and industrial associations of various localities. The funds which have been provided for the prosecution of this soil-survey work during the current fiscal year have not been sufficient to enable the bureau to meet even the new requests which have been placed on file during the year, and at the present rate of appropriation for the conduct of this work the requests on file at the present time could not be met during the next ten years. It is therefore absolutely essential, in order that the wishes of the people of the United States, as expressed to the Department of Agriculture, may be met, that this appropriation should be increased materially.

#### APPENDIX.

UNIVERSITY OF MAINE, COLLEGE OF AGRICULTURE,  
Orono, Me., September 23, 1908.

Dr. J. A. BONSTEEL,  
Bureau of Soils, Washington, D. C.

MY DEAR DR. BONSTEEL: I know that the soil-survey work which Mr. Westover has carried on in Aroostook County this summer is most valuable; but, as I have explained in other letters, the conditions are entirely different than in the southern part of the State. The soils of Aroostook County are not varying in character, while in the southern part we have all types, and there is a desire on the part of these people there to use these lands to the best advantage.

I would like to make application through you for a soil survey in southern Maine for next summer, and I trust the Bureau of Soils will see to it that this is allowed.

Assuring you that the university will do all that it can to help in this work, or any other work you desire to carry out, I remain,

Very truly, yours,

W. D. HURD,  
Dean and Professor of Agronomy.

CLEMSON AGRICULTURAL COLLEGE OF SOUTH CAROLINA,  
Clemson College, S. C., March 20, 1908.

Prof. MILTON WHITNEY,  
Chief Bureau of Soils, Washington, D. C.

MY DEAR PROFESSOR WHITNEY: I have hoped to make a visit to Washington this winter to talk with you regarding your bureau cooperating with this experiment station in some cotton work that I would like to undertake in this State. There is no doubt but that the different soil types of the State greatly influence the lint of cotton grown, and I would like for your bureau to cooperate with me in determining the exact influence of the different soil types found in the State upon the staple and yield of cotton. Some of the varieties of cotton that have led at Clemson College in yield are poor yielders on other types of soil found in the State, whereas some of the poorest yielders here at the college give the very best results when grown on other soil types. Just why this is and how much the soil's physical make-up has to do with it is a problem worth solving. In other words, if we can determine and know the different soil types found in the State and then determine the best variety for these different soil types we would have solved a problem of great importance to the farmers.

Very truly, yours,

J. N. HARPER, Director.

LINCOLN, NEBR., September 26, 1906.

A day or so ago Mr. J. L. Burgess, of your bureau, brought a soil map of the Nebraska Experiment Station farm to my office, where it was examined by myself and Dean Bessey, of the Industrial College. We were greatly pleased with it. I wish to express my high appreciation of the kind and quality of the work which has been done by your men in making this survey. It was a revelation to us in regard to the work of the bureau and impressed me greatly as to its high value to the farmers of the country. With such a map of the experiment station farm to show the kinds of soil on which its crops are grown, the farmer in any surveyed part of the State may draw safe conclusions in regard to similar crops on his farm. When all the State is mapped by your bureau the value of the work of our experiment station will be greatly enhanced.

E. BENJ. ANDREWS,  
Chancellor of the University of Nebraska.



DEPARTMENT OF CHEMISTRY,  
UNIVERSITY OF WASHINGTON, SEATTLE,  
University Station, December 23, 1908.

Dr. MILTON WHITNEY,  
Bureau of Soils, Washington, D. C.

DEAR SIR: I wish to acknowledge your valued favor in regard to the cooperation of your survey with a similar survey of logged-off lands in this State. The association has taken definite action and is quite enthusiastic over the prospect of having an appropriation of \$10,000 made by the state legislature for our end of the work.

Now, what I should like to have from you, after giving me the arrangements you have with various States, is an outline of the next steps necessary to secure work in this territory. To what extent will it be necessary for us to petition, and to what extent shall we get the assistance of our Congressmen and Senators in having requests made to your bureau?

Any suggestions that you can give me will be promptly acted upon and the movement started in earnest.

Sincerely, yours,

H. K. BENSON.

SEATTLE, WASH., December 21, 1908.

United States Department of Agriculture, Washington, D. C.

GENTLEMEN: I am a member of the state legislature and know some little of the work of the Geodetic Survey, and I have just had placed in my hands a copy of the soil survey in the vicinity of Everett. I should be pleased to have you inform me what appropriation should be made by the State of Washington to get this work carried on to completion in the State of Washington. I am advised the department helps those who help themselves, and I would like to have an expression of what this survey would cost and what appropriation should be contributed by the State, and how much annually, to accomplish this result.

Yours, truly,

E. B. PALMER.

PHOENIX, ARIZ., January 16, 1909.

Prof. MILTON WHITNEY,  
Department of Agriculture, Bureau of Soils, Washington, D. C.

DEAR SIR: We are having frequent calls for the soil maps which the department has issued for this valley. They are extremely interesting and valuable. Can you tell me where we can get copies for distribution; and if the edition was exhausted, can you tell me whether another edition will be soon issued?

Awaiting a reply at your convenience, I am,

Yours, very truly,

B. A. FOWLER,  
President Salt River Valley Water Users' Association.

UNITED STATES DEPARTMENT OF AGRICULTURE,  
BUREAU OF PLANT INDUSTRY,  
SOUTH TEXAS GARDEN, FORT BROWN,  
Brownsville, Tex., December 22, 1908.

MILTON WHITNEY,  
Chief Bureau of Soils, Washington, D. C.

DEAR SIR: I beg to acknowledge your favor of December 14, transmitting a map and report covering the Fort Brown soil survey, for which kindly accept my thanks. A year's experience upon this land shows me that the map and description is remarkably accurate, and these papers will prove of considerable value here in the office.

There are a great many inquiries for copies of the Soil Survey of the Brownsville Area, and we have distributed to people wanting them about 25 copies from this office. I should esteem it a favor if you could send us 25 or 50 more of these bulletins, as our supply is exhausted. The planters and ranchmen about here have spoken very highly of this bulletin, stating that on their own lands the characters of the soil indicated upon the map can be accurately traced.

Thanking you, I am,

Very truly,

E. C. GREEN, In Charge.

LINCOLN, NEBR., June 15, 1908.

United States Department of Agriculture,  
Washington, D. C.

DEAR SIR: The copy of Soil Survey of Lancaster County has been received, and I think it a very valuable publication and should be in the hands of every farmer and landowner in the county.

I have owned land here now three years, and have continually advocated plowing deep, clover and alfalfa, etc., as recommended in this pamphlet. It is almost impossible to convince the old timers, but believe the younger men may yet take heed. I will very much appreciate it if you will kindly send copies of above survey to the following farmers, who own land adjoining mine, in the hope they may profit thereby. I shall call their attention to its importance from a scientific as well as practical importance.

George Stabler, Robert Casey, George Trumble, Mr. Feather, Levi Wilhelm, Louis Rust, Frank Hansen, Havelock, R. F. D.; D. T. Jewett, Waverly, R. F. D.

I could use a few extra copies, if the department will send them to me. Thanking you for the favor, I am,

Respectfully, yours,

IRA E. ATKINSON.

We, the undersigned, as members of the Roxanna Grange, of southern Delaware, desire to express our great appreciation for the most excellent work being done in this section by the Bureau of Soils, through Mr. J. W. Nelson, and we wish to thank our Secretary of Agriculture (Hon. James Wilson) and Professor Whitney, of the Bureau of Soils, for the valuable assistance given us in selecting and testing for us the most suitable types of soil for strawberry growing and other truck crops, and also advising with us as to the preparation and treatment of the various types for these industries.

We consider this work as the most valuable for our farmers that can be taken up, as it will aid us in choosing the soils best adapted to the crops we desire to grow and thereby enable us to avoid the failures in the past by enabling us to plant our crops on soil types which are suited to them.

We therefore hope the Bureau of Soils will continue its good work of educating our farmers on this important question of "our soils."

P. W. MURRAY, W. M.  
J. C. EVANS, Secretary.

MAY 1, 1908.

VIRGINIA AGRICULTURAL EXPERIMENT STATION,  
Blacksburg, Va., March 31, 1908.

Mr. MILTON WHITNEY,  
Chief of Bureau of Soils,  
United States Department of Agriculture,  
Washington, D. C.

DEAR SIR: We have received 12 copies of your report of the soil survey of Chesterfield County, Va., and thank you for the courtesy. I hope it may be your plan to extend the survey work in this State. I have not been in this State long, but have been here long enough to have heard of the keen interest that many of our people take in this work.

I have just spent a week in deciding locations for tobacco experiment stations, and found your survey of Louisa and Hanover areas very valuable indeed as a guide in determining the best location.

If your files will permit, I shall be glad to have 12 copies of each of the other areas surveyed in Virginia.

Yours, very truly,

S. W. FLETCHER.

BLACKSBURG, VA., November 24, 1908.

Mr. MILTON WHITNEY,  
Chief of Bureau of Soils,  
United States Department of Agriculture,  
Washington, D. C.

DEAR SIR: I have received the soil survey of Montgomery County. It will be very useful to us.

I appreciate the work that the bureau has done in this State, and have occasion very frequently to refer to it.

Yours, very truly,

S. W. FLETCHER,  
Director Virginia Experiment Station.

NORTH MILWAUKEE, WIS.,  
January 28, 1908.

Hon. WILLIAM H. STAFFORD,  
Washington, D. C.

DEAR SIR: Would you be so kind to mail me the reports (together with the maps) of the Field Operations of the Division of Soils. I would like to have the first report (1899) and the sixth (1904) report, and all following. I have already the years 1900 to 1903 (second to fifth report). Valuable as they are, I can not miss a single report, for I use them freely to make extracts for our agricultural and horticultural papers. To help both our farmers and intending settlers we can not do better but to distribute the knowledge gained by these documents (what crops to raise on a certain soil in a certain area). And in the future much good will come for our unsettled land in northern Wisconsin, when these districts will be mapped out and the various soils described.

Thanking you in advance for your kindness, I am,

Very truly, yours,

W. A. RICHTER.

Mr. EDWARDS of Georgia. Mr. Chairman, I am heartily in favor of the amendment offered by the gentleman from Alabama, proposing an increase for the Bureau of Soils in the Agricultural Department. I am convinced that the soil survey and investigation work as conducted by this bureau is of great importance and benefit to the farmers of this country, as well as of great value to its commercial interest. I believe that the main opposition to the soil survey springs from a lack of knowledge of its true merits. You take the Members of this House who have been reared on farms or who have had practical experience in farming, and they are all impressed with the importance of the soil survey, almost without exception. It is easy to explain why this is; in fact, it is self-explanatory. These Members of the House have a practical experience in farming; they know something of the trials and obstacles that farmers have to encounter; they are in sympathy with the farmers; they know that the soil survey is a great blessing to the farmer; they know that the farmers are entitled to a great deal more than they are receiving from the Congress of the United States; they want to better conditions on the farms throughout the country; they want to place it in the power of the farmer to better understand, if possible, the soil upon which he is supporting himself, his family, and helping to support the rest of the world; they want to show, if possible, how the yield of the farm can be doubled, thus putting surplus dollars into the pockets of our farmers. No one can do anything successfully unless he knows what he is doing. There are many of our farmers who are running their farms and getting along very well without knowing the classification of the soil upon which they are farming. I know this is a fact—I was raised on a farm and spent many years of my life in farming, and I am running two small farms now.

We all must admit that farming for many years has been conducted not wholly, but almost entirely, without regard to scientific methods. If money can be made in loose farming—I might say in chance farming—how much better would it be if our farmers could be brought to understand that farming is not only a science, but the most important industry of the world, and that it should be conducted upon practical lines under the guidance of scientific methods. The farmers are coming to understand this. The people as a whole are coming to understand it, and farming to-day is being done upon a more scientific and businesslike scale than ever before in the history of the world. The necessity of educated farmers is being recognized more than ever before, and statistics show that within the last few years

there has been a great increase in the number of agricultural institutions throughout the country and that farmers are educating their sons and daughters to a greater extent than ever before. This is gratifying, for it means greater things for the agricultural industry. [Applause.]

You will pardon this digression from my subject. This subject of the education of our country boys and girls is one of intense interest to me. I know from actual experience the hardships and obstacles they encounter in an effort to secure knowledge. They are not provided with as good schools and facilities of obtaining an education as the boys and girls in the cities and towns. Any action looking to the improvement of the rural schools has my hearty indorsement, and anything that tends to give assistance to the farmers whereby they will be in better position to supply better educational advantages for their boys and girls also has my support.

Now, then, let us go back to the soil survey. I am so deeply interested in this vital matter of better educational facilities for the boys and girls in the rural districts that I was about to lose sight of the topic I had under discussion.

What is the soil survey for—what are its purposes? I have not the time to go into a full discussion of it, but as I understand it, the object of the work of the Bureau of Soils is to investigate and map out the important soil areas in accordance with their geological relations and their agricultural value. These maps are of such a character as to show farmers or prospective settlers the character of the soil and the nature of the crops or the general classes of crops adapted to the general soil formations of the different regions. The soils adapted to the certain classes of crops should also be thoroughly investigated and mapped so that one could see by consulting the maps the areas adapted to certain classes of tobacco, truck, horticultural, or other crops. Such work forms an essentially new line of agricultural geology, and requires for its successful prosecution persons trained in the difficult problems of surface geology and who have a broad appreciation and knowledge of the relation of soils to crops.

There are still large areas of land along the Atlantic coast and in other parts of the country, so we are told by the Agricultural Department, lying out as waste lands, which are adapted admirably to the raising of early truck crops. There are large areas of land in many of our States, well adapted to the different classes of tobacco and to other agricultural and horticultural crops, which are at present not used to the best advantage, because the relations of the soils to crops are not fully understood or appreciated.

The soil survey and examination work is to help us know the soils, by giving us a scientific investigation, which is to be fully shown upon a soil map showing beyond doubt, and as accurately as can be done, the classification of the soils. Who can say that such an examination is not of vital help to the agricultural interest of the country? What farmer is there in this whole country who would not be glad to get without cost to himself a soil survey of his lands and be furnished a map of that survey showing up the character of his soils, showing what crops it is best adapted to, showing in what plant food his soils are deficient, showing what treatment his soils need? The farmers usually get this knowledge, but how have they been getting it? By experimenting a lifetime, trying first one fertilizer and then another; in many cases it is purely guesswork. Many have lived a long life and died without ever knowing their soils. It just seems to me that this is of the most vital importance to the farmers, and especially the young farmers, or those who are seeking new fields in which to apply the art or science of farming. It strikes me that a young farmer with the benefit of one of these soil surveys, provided with the usual soil map, showing up the character of soils, their crop adaptation, the treatment needed, the best kind of fertilizers to be used, will save not only many years of experimenting, but will save thousands and thousands of dollars that, in my opinion, are now spent uselessly in fertilizers that are misapplied and not what the lands need. This would be a blessing not only to the farmer himself, but to the whole world, for the farmer is the "Atlas" who supports the world. [Applause.]

Showing the many strong points in favor of the Bureau of Soils, I beg to refer here to an article from the New York Tribune, which is as follows:

The greatest fear of the American soil tillers—exhaustion and unproductiveness of land—is rapidly being dispelled by the experiments and investigations of the Bureau of Soils. This branch of the Department of Agriculture has received little advertising; it does its work quietly and the cities hear little of it, but to the great and small farming districts, to the hesitating planter, and to the dependent settler it is a great boon and a daily counselor. It has shown the way to scientific farming; it has made briar patches into grassy, fertile plains; swamps into blooming cornfields; sandy prairies into acres of production. In short, a man can learn in an hour from the Bureau of Soils what his father spent years in ascertaining, and he can learn it with greater ac-

curacy. From a map or a report he can see what crop his land will best produce, what it will not yield, and, perhaps, that it will bring him undreamed of produce and wealth. The Bureau of Soils has made many farmers rich, and the number that make use of the bureau is increasing daily.

Its possibilities seem unlimited; its results at present are extraordinary, but its scope is of necessity limited because of a lack of funds with which to carry on the work completely and comprehensively. The authorities of the bureau, under the direction of Prof. Milton Whitney, have asked for \$500,000 for the fiscal year 1909, and they have some assurances that this amount will be appropriated by Congress. Representatives who have studied the workings of the bureau and who have satisfied themselves of its utility say that half a million is insufficient, and that the tremendous advantages it is working to the country, both monetary and otherwise, warrant a much larger expenditure. The authorities of the bureau, however, have been wisely modest in their request and are daily engaged in explaining the work of the institution to all who are interested. What will be accomplished with the \$500,000, if it is granted, can best be gauged by a consideration of what has been done with the \$200,000 spent in 1907.

In the main, the Bureau of Soils devotes a large portion of its attention to surveying, mapping, and classifying the land of the United States and determining the constituents of soil in such a precise manner that a farmer wishing to plant a certain crop can determine in advance the advisability of such a course by a moment's reference to the report of the bureau. Irrigation and its success must be largely credited to this department. Reclamation owes its inception to the bureau; fertilization and erosion are studied in their most technical phases and reported in simple language, while the transplanting of seed and the adaptability of soil complete the main uses of the bureau.

The maps issued are used not only by farmers and agriculturists but by landowners of all classes, including real estate and railroad men. From every part of the country come requests asking that particular portions of land be surveyed; thousands of maps and reports are asked for, and many letters of appreciation and thanks are on file at the bureau. To chart every necessary portion of land in the country is the ultimate aim, but at present the bureau is ten years behind, even in those regions where a survey will mean a certain and immediate increase in the value of soil. More than 40,000 requests come to the bureau in a year from struggling farmers, from cattle raisers, from important chambers of commerce, from boards of trade, and from various state departments of agriculture and geological surveys. Several States have cooperated with the bureau to a considerable extent, Alabama having given \$10,000 for this purpose and, it is said, has received thousands in return. Only a small proportion of the requests can be complied with, as the force of surveyors is small. A systematic plan is being followed out, which in the course of time will give satisfaction to all regions, and which an increased appropriation would greatly facilitate.

That is an able newspaper argument for a good cause.

I wish to quote from a report of the Agricultural Department, which sheds further light upon the real necessity and importance of this soil survey, which is as follows:

The soil is fundamental in its uses. For these reasons the study of the soil must always occupy a fundamental position in the development of the resources of the United States and in the arrangement of its economic conditions. Only within recent years has the great variety which actually exists in the soil resources of the United States been understood. Beginning in 1899 the soil survey of the Bureau of Soils has been engaged in the classification of soils, in the representation, upon soil maps, of the occurrence of the various types discovered, and in the preparation of reports which describe the characteristics and the uses of the different soils encountered. Since the beginning of this work in 1899 approximately 100,000 square miles of the agricultural regions of the United States have been surveyed. Nearly 600 different types of soil have been encountered, and special studies have been made not only of the soils adapted to the growing of the cereal crops, but also of those special-purpose soils which have a high value for the production of fruit of various kinds, of truck, of market-garden crops, of different varieties of tobacco, of sugar beets, and of many newly introduced crops.

Studies along the Atlantic seaboard have demonstrated that the Norfolk sand, Norfolk fine sand, and the Norfolk fine sandy loam are peculiarly adapted to the production of those early vegetables and fruits which furnish the supply for the northern city markets. It has also been shown in this connection that where transportation is adequate land belonging to these three soil types which formerly had a value of \$5 an acre can readily be made to have a value of from \$100 to \$200 an acre for the production of the truck crops.

The recent improvement of the rice industry in Louisiana and Texas has led to investigations of the soils best adapted for growing this crop. It has been found that in general the heavy silt loams and clay loams of the Louisiana and Texas seacoast prairies are well adapted to rice production, and it has been upon soils of this character that the wonderful strides in rice production have been made possible.

It was through the soil surveys that the rich tobacco lands of Florida and south Georgia were discovered. Lands that were considered ordinary lands and of small value are now yielding large and valuable crops and are greatly enhanced in value.

I was greatly interested in a speech made during the last session of this Congress by Hon. J. E. ELLERBE of South Carolina, and to further show in this connection the great importance of the soil survey I wish to quote the following from his remarks:

Such was the work on the tobacco soils and to such extent with the tobacco problems that soils are now chosen by the growers in the leading tobacco districts of the United States, and favorable results are certain from the start, and the industry has been placed on a very permanent and profitable basis.

As another illustration, it is found that not only are the different types of soils of widely different value for growing cotton, but also that the different varieties of cotton require different soils for their most profitable growth, and that the working out of the soil preferences for each of the many varieties of that crop is a most necessary and entirely possible problem, the solution of which would save the southern planters hundreds of thousands of dollars each year. Sufficient progress has now been made in soil studies to be certain that many of our crops are not only grown to the best advantage on certain classes of soils, but that the



different varieties thereof are very definite in their soil preferences or requirements.

In my own district there are thousands of acres of land planted to cotton and producing \$10 to \$15 per acre, that could, if devoted to other crops, produce from \$100 to \$500 per acre. Some men have been pioneers in this great work and deserves the "well done" of every man who delights in the prosperity of his country.

McIver Williamson, of Darlington County, S. C., has revolutionized corn growing in my State and proven that with proper selection, preparation, fertilization, and cultivation of soil from 75 to 150 bushels of corn can be grown per acre instead of 10 to 15 bushels, as formerly.

Captain Drake, of Marlboro County, some years ago contested for the prize of \$500 offered by the Orange Judd Publishing Company for the most corn grown on 1 acre. This was open to every State in the Union. He opened the eyes of the people of this country when he grew 254 bushels and 50 pounds of corn on a measured acre of Marlboro land.

Some years ago the managers of the Raleigh and Charleston Railroad, in their efforts to develop the country through which their road ran, sent a man to Marion, S. C., who sold one crop of lettuce from a single acre of Marion soil for more than \$1,800.

Captain Westbrook, of North Carolina, made \$23,000 above expenses on 20 acres of land, considered by many to be of little value. Strawberries were grown entirely.

There can be no doubt about the soil survey and soil maps being of great help to the farmers. The question is, Are we going to continue to make a farce, so to speak, out of the bureau from which this great help emanates, or are we going to back it up with funds and assistance such as it needs in order that this good work can go forward? I am in favor of making sufficient appropriations for this bureau, so that it will be in position to be of material help to the farmers. We have long since passed the experimental stage with it. It has been abundantly shown that it is one of the most important branches of the Agricultural Department, and that if the work was not so hampered from time to time by small appropriations it could and would result in great blessings to the farmers, and this Bureau of Soils should receive more favorable consideration at the hands of Congress than it does. It is not treated fairly, and by discriminating against it the farmers are discriminated against.

I have known for a long time that the soil survey was a good thing for the farmers, and for nearly two years I have been pleading for soil surveys in certain counties of the district which I represent, particularly for Bulloch County, in which is located, at Statesboro, Ga., the agricultural college for that district. I thought at one time that I almost had the soil survey for Bulloch County, which had been requested through a formal resolution of many of the citizens of that county, but I was doomed to disappointment, for the answer finally came "not now," "not sufficient funds at this time," or words to that effect. I have had it up with the department and with the Bureau of Soils on several occasions, and it is always "a lack of funds" to postpone this important work. [Applause.]

I am tired of that answer; I am tired of the delay. This bureau should be given sufficient funds with which to operate, because, as I have already said, it has long since passed the experimental stage, and it should be permitted to grow and develop in usefulness. It should be properly cared for and permitted to expand its great work. The farmers want it to be taken care of; they want it to expand; and the fact that there are to-day something like 500 applications on file in that bureau for soil surveys in various parts of the United States is sufficient evidence of its merit. The Bureau of Soils has been investigating soil conditions in the United States for over ten years, and in that time there has been only nine soil surveys made in the great State of Georgia, and not a single one of the nine, except the small area at the agricultural college at Statesboro, Ga., is in the First Congressional District. My people want a soil survey, and we must have it; and if we do not get it, I want them to know that I am not to blame in the matter. In the nine soil surveys that have been made thus far in Georgia, I am advised that a total area of 3,300 square miles has been covered, at an expense of less than \$9,000. I am advised that, including my requests for soil surveys, there are 31 requests on file for surveys and maps in Georgia at the present time, covering a total of something like 12,350 square miles.

The Chief of the Bureau of Soils, in his annual report, has recommended that \$4,500 to \$5,000 should be expended annually in Georgia for the conduct of this soil-survey work. He says in his annual report for 1908:

This work is being done at the request of the governor of Georgia and of other state officials. These officials request and desire that detailed soil-survey maps on the scale of 1 inch to the mile should be made in the 11 counties in Georgia within which the agricultural high schools are located, in order that the results of the experimental work conducted at these high schools may be applied immediately throughout the county surrounding each school. It is thoroughly appreciated by those having the agricultural development of the State and its educational facilities in charge that the value of the work of these schools will be largely increased if such soil surveys can be made at an early date. There are also other agricultural interests, including those of the tobacco growers in southwest Georgia, the fruit growers in central Georgia, and the rice and sea-island cotton growers in eastern Georgia, that are urgently calling for the extension of soil-survey work in these

different localities. The amount of money expended in the State might well be increased to \$4,500 or \$5,000 annually in consideration of the valuable results which might be obtained during the next few years.

Soil surveys already made in Georgia have shown the existence of large areas of low-priced land well suited to the production of both filler and wrapper tobacco, and have aided enormously in the development of the tobacco industry in Georgia. At the present time individuals and corporations desiring to engage in the tobacco industry will only purchase land for that purpose according to the findings of the soil survey. As a result of the soil-survey work in southwest Georgia, the revenue from tobacco paid into the United States Treasury annually has in the last five years increased sufficiently to more than pay the total cost of the soil-survey work in the entire United States. [Applause.]

The soil surveys in central Georgia have aided in the extension and development of the peach industry, and Georgia, because of these soil surveys and of the information about peach soils which is contained in these soil surveys, is rapidly becoming one of the leading peach-producing States.

No soil surveys have yet been made in the Atlantic coast section of Georgia, and work of this character should be undertaken at once, in order to determine the relationship of the soils along the Atlantic coast to those in South Carolina similarly situated and upon which extremely valuable crops of cabbage, lettuce, and other winter vegetables are produced.

Soil surveys are also needed in Georgia to show the character and extent of the swamp lands which are capable of reclamation and agricultural occupation along the seaboard.

The farmers of Georgia are alert and desirous of using every known agency for the improvement of their farm conditions. Since 1880 there has been an increase of 86,000 in the number of Georgia farms. During that length of time there has been an increase of nearly 350,000 acres of land held in farms in the State, while for the same period there has been an increase of nearly two and one-half million acres in the improved land of the State. These figures show (1) that there is an increased demand for Georgia lands; (2) that Georgia farmers are going into intensive farming and are using the land which they possess to increasing advantage; (3) that Georgia farmers are building up for themselves an increasing number of prosperous farm homes. In this same period of time the value of Georgia farms and farm buildings has increased seventy-one and one-half million dollars.

In order that there may be increased specialization in crop production, in order that additional crops suited to Georgia soils and climate may be grown, in order that both the citizens of Georgia and their neighbors throughout the United States may know the exact resources of Georgia soils, these soil surveys must be extended as rapidly as possible throughout the unsurveyed portion of Georgia.

The citizens of Georgia are so much in earnest in desiring to improve their agricultural conditions and in desiring to develop their agricultural resources that they have provided 11 agricultural colleges, 1 for each of the 11 congressional districts of the State. They have requested, through their state officials, through their local boards of trade, through various farmers' organizations, and through their Representatives in Congress, that this soil-survey work should be extended as a sure foundation for additional growth in agricultural wealth and prosperity. The farmers of Georgia annually contribute their share to the support of the Federal Government, and they annually desire their just share in the work which the Bureau of Soils and the United States Department of Agriculture are doing for the improvement of farm conditions and the increase of agricultural efficiency.

There are now on file requests for over 500 additional soil surveys in the United States, covering an area of more than 500,000 square miles.

It would take the present force of the Bureau of Soils ten years to comply with these requests under the appropriation as it exists, and more new requests are placed on file each year than can be complied with during that year.

Since May 1, 1890, when the soil-survey work was first begun, surveys have been made of 160,000 square miles, located in 44 different States and 2 Territories.

The cost of this field work has been a little over \$400,000, and the demand for this class of work for the last seven years has been far in excess of any of the sums appropriated for its conduct.

The soils of the United States constitute its greatest economic resource, and, unlike the mines, the forests, and the fisheries, the soils are usually held by small individual owners, who have not the facilities for securing expert advice which lie within the reach of great corporations and extensive mill operators. The farmers of the United States, who own its soil, must depend largely upon the investigations and knowledge of the United

States Department of Agriculture and their own state experiment stations for expert knowledge and businesslike advice.

The people not only want these soil surveys and soil maps of their lands, but they are clamoring for them. We can a great deal better make appropriations for a productive and important interest of this kind than for huge battle ships costing into the millions, in the building and maintenance of which we are literally wasting the people's money. I am opposed to all such extravagant and wasteful appropriations, and think it is high time that the Government, which is now at peace with the rest of the world, should cease to increase its already unreasonable appropriations for a larger army and a larger navy. These large and extravagant appropriations should and could be applied with better advantage and with better grace to the payment of the public debt and to purposes that will be productive instead of destructive to the Nation's wealth.

I want to see the appropriations for the Agricultural Department generally increased until that department, which is intended to help the farmers, is in a position to really do what it was intended that it should do. The appropriations that are made for the benefit of the farmers are so miserably small as compared with the other appropriations that they are all out of proportion. It seems that Congress never dreams of real economy in making appropriations until appropriations are to be made for the agricultural interests, then economy is had, as usual, at the expense of the farmers. [Applause.]

Before concluding my remarks upon this very important matter, I wish to submit an extract from the report of the Chief of the Bureau of Soils, which will further illustrate the value of this work to the American farmers:

PHYSICAL AND CHEMICAL INVESTIGATIONS.

During the last fiscal year the Bureau of Soils has made mechanical analyses of about 2,000 soils for the use of the Soil Survey of the Bureau. It has made upward of 800 chemical examinations of soils for the field parties of the bureau, and about 4,500 chemical examinations of soils, drainage waters, and fertilizers for other bureaus and outside parties entitled to such assistance. The bureau has devised several new forms of apparatus and new methods for the analysis of soils, descriptions of which have been given in appropriate places in literature. Besides this routine work, the laboratories have continued investigations upon the fundamental properties of soils. The absorption of vapors, especially water vapor and carbon dioxide, has been thoroughly investigated, as well as the absorption of dissolved substances from solution, properties of the utmost importance as affecting the physical condition of soils. The retention of soluble fertilizers and the reclamation of soils "affected by alkali" have been studied, and the investigations which have been carried on for some years past by this bureau and the results obtained by other investigators in these lines of investigation throughout the world have been brought together and made available for scientific workers in two bulletins of this bureau. Work has been continued on the closely related subjects of flocculation and sedimentation, with results which throw light not only on the physical structure and arrangement of the soils, but also on the nature of flowing waters and soil wastage, etc., and the investigation of this subject is now being actively continued.

I sincerely hope that this amendment to increase the appropriation for the Bureau of Soils will be agreed to, for I think it is one of the most meritorious appeals that has been before Congress during this session. It will be money spent for a good purpose in a field that will prove of vast benefit to the agricultural and commercial interests of this country. [Applause.]

Mr. POLLARD. Did I understand the gentleman to say that the Bureau of Soils make chemical analyses of soils?

Mr. EDWARDS of Georgia. That is my understanding, that they examine soils.

Mr. POLLARD. The gentleman is in error when he says they make chemical analyses of soils.

Mr. EDWARDS of Georgia. What is the gentleman's understanding of the analysis that is made?

Mr. POLLARD. They simply make a physical analysis of the soil.

Mr. EDWARDS of Georgia. Do they not determine the chemical properties of the soil as well?

Mr. POLLARD. Not at all.

Mr. UNDERWOOD. As I understand it, the Bureau of Soils, in making an examination, determine what class of soil a particular specimen is, and at times they make chemical analyses of the soil where it is necessary; but they determine the class of soil it belongs to, so that they will know how to apply scientific agriculture to the particular soil that is on a man's farm.

Mr. EDWARDS of Georgia. I am not so far wrong, then, when I say they do make chemical analyses.

Mr. UNDERWOOD. Sometimes.

Mr. SCOTT. The gentleman from Georgia is doubtless acquainted with Dr. H. C. White, of Georgia University?

Mr. EDWARDS of Georgia. Yes.

Mr. SCOTT. Appearing before the Committee on Agriculture and asked whether he believed that any beneficial result had come from the soil survey in the State of Georgia, he said:

I can not now recall that any advantage has come to our farming interests.

Does the gentleman think he is qualified to pass upon that subject?

Mr. EDWARDS of Georgia. I will reply to the gentleman in this way: That there has never been a sufficient amount of work done by the Bureau of Soils in the State of Georgia upon which to fix an intelligent conclusion. We have not had a thorough test.

Mr. SCOTT. Does the gentleman think Doctor White would express a conclusion that was not intelligent?

Mr. EDWARDS of Georgia. I think Doctor White is entirely wrong on this proposition. I have a high regard for him, but I differ with him in this. Doctor White is like a great many other gentlemen who are trying to conduct farming at long range and telling the farmers what they need without having practical experience themselves. I know Doctor White well and I have a high regard for him, but I disagree with him in this instance.

Mr. MADDEN. Will the gentleman say that the Bureau of Soils or anybody connected with it has had any practical experience in farming?

Mr. EDWARDS of Georgia. Yes; I think there are a great many practical farmers who are connected with it.

Mr. MADDEN. The gentleman is really convinced, then, that the work of the Bureau of Soils is of some use to the farmers of the country?

Mr. EDWARDS of Georgia. Yes; I am thoroughly convinced of that fact.

Mr. MACON. Will the gentleman yield for a question?

Mr. EDWARDS of Georgia. Yes.

Mr. MACON. I would like to ask the gentleman if he can call to mind a single farmer who ever profited by any soil survey made by the National Government?

Mr. EDWARDS of Georgia. Yes; I can in my own State.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. OLLIE M. JAMES. I ask unanimous consent, Mr. Chairman, that the gentleman from Georgia may continue for five minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the gentleman from Georgia may continue for five minutes. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, I simply wish to say that I have one of the largest farms in the State of Illinois, which I operate, and in connection with which I have never asked or received any information from the Bureau of Soils.

Mr. EDWARDS of Georgia. That accounts for the lack of knowledge which the gentleman displays on the floor, because he has not investigated this bureau and does not know what it is really doing. I am a farmer, and was raised on a farm, and have made some study of this matter. I have become thoroughly convinced, although I may not be able to convince the gentleman from Illinois, that the Bureau of Soils is a great thing for the farmer.

Mr. MACON. I want to ask the gentleman a further question. I want to know in what respect any farmer has ever been benefited by a soil survey made by the National Government?

Mr. EDWARDS of Georgia. We have but one soil survey in my district, the first district, which I have the honor to represent. That survey is a small one, and was made under the direction of the Bureau of Soils, I think, and was made on the site where the agricultural college is located at Statesboro; and they have profited greatly, as I understand it, through this survey. They have had only a small number of surveys made in the State, and I have talked with many farmers about them, and have learned that great good has resulted from these soil surveys.

I understand further that through the soil survey the tobacco lands of southwest Georgia, as I stated a while ago, were discovered, and that the tobacco lands of Florida were found to be adapted to the growing of that fine grade of tobacco that they are now producing.

Mr. MACON. The gentleman claims that this great improvement came from the investigation of the Bureau of Soils?

Mr. EDWARDS of Georgia. I do.

Mr. MACON. I am anxious to do anything to better the condition of the farmers, and I am trying to find out something about it. I have never heard any farmer say that he got any benefit from this Bureau of Soils. I am trying to find out about it.

Mr. EDWARDS of Georgia. I have told you of those that we have in my State, and I have looked into it with some care. I would like to ask the gentleman from Arkansas a question. Have you had a survey made in your district?



Mr. MACON. No; but they have right across the river from me.

Mr. SHEPPARD. I want to say, Mr. Chairman, that the farmers of Texas have benefited immensely by these soil surveys. The land in certain regions there was used only for grazing, and since investigations by the Bureau of Soils the great rice industry has assumed enormous proportions in these regions. The Bureau of Soils has also made important discoveries as to the practicability of growing tobacco in certain parts of Texas.

Mr. MACON. And it was the result of the surveys by the Bureau of Soils?

Mr. SHEPPARD. It was; and I consider it one of the most valuable bureaus of the Government.

Mr. EDWARDS of Georgia. It is my information that it is a good thing, and the gentleman from Arkansas ought to go to the Bureau of Soils, or get in touch with it, and get a soil survey in the State of Arkansas, and if possible in his district, and learn something of this great work from practical experience. [Applause.]

Mr. POLLARD. Mr. Chairman, I am surprised that the gentleman from Georgia began his speech by stating that he has looked into the question of soil surveys with great care, and then in the next statement says that the soil survey is a chemical analysis of the soil. In the first place, the experts in this department do not claim to make any chemical analysis of the soil.

Mr. COX of Indiana. What do they do?

Mr. POLLARD. They classify the soil.

Mr. COX of Indiana. What do you mean by "classify?"

Mr. POLLARD. They have divided the soils of the United States into about 400 different classes, and they go to a locality and classify that soil. They say this is marsh loam, and this is silt loam, and so forth; and, as I say, it is nothing but a description or classification of the soil. The soil survey is a physical, and not a chemical, analysis.

Mr. COX of Indiana. Do I understand you to say that they divide the soil into about four classes?

Mr. POLLARD. Four hundred classes.

Mr. COX of Indiana. If they have divided the soil into 400 classes and the farmer knows what each class is peculiarly adapted to, does not the gentleman think that in that way it will do the farmer a great deal of good?

Mr. POLLARD. If that was the case, I would say yes.

Mr. COX of Indiana. Is not it the case?

Mr. POLLARD. It is not the case at all, and there is the trouble with the whole proposition. The trouble with the soil surveys is this: That the soil surveys they send out over the country—and it is not alone confined to my part of the country, but to the South and East and every other part of the country—are oftentimes filled with as much misinformation or false information as with matters of fact.

Mr. HUMPHREYS of Mississippi. Then, what does the committee provide for any of them for?

Mr. POLLARD. I will state, Mr. Chairman, I made these strong assertions at the beginning simply to attract the attention of the committee to what I propose to show. The committee is in favor of certain features of the work of the soil survey. The trouble with the question is that it is all yet an experimental question. It is an investigational question. We have not reached any conclusions yet that have been recognized by scientists of the United States or of the world.

Mr. EDWARDS of Georgia. Will the gentleman yield?

Mr. POLLARD. I will not yield to any more questions now until I make my statement. Then I will yield. The whole work is in an experimental stage, and the greatest harm that comes to the country from these soil surveys comes from the fact that a man goes into a certain part of the country and makes a soil survey, and he classifies the soil, and then he goes ahead and undertakes to tell what will grow in this kind of soil and what will grow in that kind of soil when he may not know a thing in the world about it. There is the trouble with the whole situation.

Mr. SHACKLEFORD. Mr. Chairman—

Mr. POLLARD. I can not yield now. I will yield later if I have time. I want to make my statement. It is all an unknown problem. So far as their work is investigational we are heartily in favor of it. We want they should continue the investigations as far as possible, and we are in hopes that they will reach some conclusion somewhere along the line that we can tie to and we will know what we are talking about when we get out bulletins. As an instance of that to which I have referred, I want to call the attention of the committee to the hearings of last year. As an illustration of what the bureau undertakes to do, I read from page 397 of the hearings of this

year. I asked Mr. Whitney, the chief of the bureau, who was then before the committee, this question:

May I ask you whether you do any work of any experimental character with fruit?

His reply is:

Only so far as this—and I should like, if it would not have seemed discourteous, to have corrected Mr. UNDERWOOD in some of his remarks, as he preceded me. The only work we do in fruit is to study the adaptation of soils to fruit, and beyond that we do nothing—that is to say, we can determine from our soil surveys and from our utilization work the character of the soil that is adapted not only to any kind of fruit, but to any variety of fruit.

The CHAIRMAN. The time of the gentleman has expired.

Mr. POLLARD. I ask unanimous consent to continue for ten minutes.

Mr. EDWARDS of Georgia. I object unless the gentleman will yield.

The CHAIRMAN. Objection is heard.

Mr. POLLARD. I think the gentleman had ten minutes.

Mr. EDWARDS of Georgia. Yes; but "the gentleman from Georgia" yielded very courteously to the gentleman from Nebraska when he was asked to do it.

The CHAIRMAN. Objection is heard.

Mr. EDWARDS of Georgia. Mr. Chairman, I withdraw the objection if the gentleman will yield to a question in the ten minutes.

Mr. POLLARD. I have no objection to being interrupted when I make my statement, but I can not make a statement and be interrupted.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to continue for ten minutes. Is there objection?

There was no objection.

Mr. POLLARD. I now yield to the gentleman from Georgia.

Mr. EDWARDS of Georgia. Mr. Chairman, the gentleman says that the Bureau of Soils does not undertake to do any chemical examination. I hold in my hand the report of the Chief of the Bureau of Soils for 1908, by Mr. Whitney, the chief of the bureau, and on page 27 I find the following:

During the last fiscal year the Bureau of Soils has made mechanical analyses of about 200 soils for the use of the soil survey of the bureau. It has made upward of 800 chemical examinations of soils for the field parties of the bureau and about 4,500 chemical examinations of soils, drainage waters, and fertilizers for other bureaus and outside parties entitled to such assistance.

Mr. POLLARD. Mr. Chairman, I do not care about the gentleman using up my ten minutes in reading an article to the House. My statement was this, that in the soil surveys that are made in the field, which are mapped and distributed, no chemical analysis of the soil is made. On that question I am right, and I challenge the gentleman from Georgia to show to the contrary. They do make chemical analyses here in the bureau; there is no doubt about that. When samples of soil are sent in to the chemist in the bureau they make a chemical analysis of them.

Mr. UNDERWOOD. Will the gentleman allow me to interrupt him?

Mr. POLLARD. The gentleman from Alabama can not interrupt me. If the gentleman desires to ask me a question, all right; but I can not yield to him to make a speech.

Mr. UNDERWOOD. I want to know if the gentleman does not know that when a forest survey is made in the field they bring the soil they get in the field to the laboratory and make a chemical analysis of it?

Mr. POLLARD. What I know is this, and the gentleman knows the same thing if he has investigated the question, that the soil surveys made broadcast over the country are not a chemical analysis of the soil at all. They are a physical analysis of the soil, wherein the soils are simply classified. Now, Mr. Chairman, this bureau has not only undertaken to go into the field and make a survey of the soil and tell whether apples can be grown or grapes can be grown there, but they also pretend to be able to tell what variety of grapes or apples can be grown. Now, this statement of Mr. Whitney's, which I was reading when interrupted, is absurd on its face, and to any thinking man is ridiculous.

Mr. MADDEN. Will the gentleman yield?

Mr. POLLARD. Certainly.

Mr. MADDEN. If the Bureau of Soils only guesses at what it does, would it not be a good idea to abolish it?

Mr. POLLARD. No; I do not think so, and I will tell the gentleman why I do not think so.

Mr. MADDEN. Does the gentleman admit they are only guessing at their work?

Mr. POLLARD. About half the time they guess right and about the other half of the time they guess wrong.

Mr. MADDEN. Then they must be guessing all the time, if they only guess right about half the time.

Mr. POLLARD. That is true. This statement, however, only applies to the advice given. The soil surveys themselves are accurate, so far as I know. As I said a moment ago, if the gentleman will give his attention, the investigational work they perform is of very great value, and that ought to be encouraged and carried on to the greatest extent. As an illustration of the point I have made, they went out into this same country from which the gentleman from Georgia comes, covering parts of Georgia, Florida, Alabama, and Louisiana. After this soil survey was made, they told the people down there that the character of those soils were such that they could grow the finer grades of tobacco. They told them that they could grow Sumatra tobacco, the most valuable tobacco that is grown. The people who lived there believed this report of the Soils Bureau, simply because it came from the Government of the United States. They had confidence in it because they did not believe that the Government would send out any information unless it was reliable. Consequently, they began to grow the Sumatra tobacco, and the result was that millions of dollars worth of Sumatra tobacco were grown down there which was of such an inferior quality that the people could not market it—

Mr. UNDERWOOD. I challenge that—

Mr. POLLARD (continuing). And they have not had a market for that—

Mr. UNDERWOOD. I challenge the gentleman's statement on that proposition.

Mr. POLLARD. I have been informed to-day by a gentleman who has been on the ground that now there are upward of a million dollars' worth of tobacco in that country that the farmers can not sell simply because it is of such poor quality that it will not meet the demands of the trade. The business there has been virtually ruined on that account.

Mr. UNDERWOOD. I know the gentleman will not stand for a statement unless it is true—

Mr. POLLARD. Certainly not.

Mr. UNDERWOOD. A part of that Sumatra tobacco is raised in my district, and I know there has not been any of it that has been raised there that has not been sold for a good profit, and they are selling it to-day. Now, I challenge the gentleman to say where this tobacco has been raised that could not be sold. I know it has always been sold in my district, and at a profit.

Mr. POLLARD. Of course, I will admit the gentleman from Alabama knows more about what is being done in his district than I do, but I want to say this, that the information I received came from a man who has been on the ground and who has investigated the work—

Mr. UNDERWOOD. Tell us who he is.

Mr. POLLARD. I can not do that. He is a man who went down there from the Bureau of Plant Industry after the work of the Bureau of Soils was found to be a failure. When they found they could not grow the high-grade tobacco with success, then they called upon the Bureau of Plant Industry to help them out. A man from the Plant Bureau was sent to save the property from loss. He has been compelled to develop by breeding a new species of that Sumatra tobacco that is acclimated to that country and can be grown at a profit.

I am told, also, that the same conditions prevailed up in the State of Connecticut, where they undertook to give advice concerning a matter that they had very little, if any, information about. They told the farmers of Connecticut they could grow Sumatra tobacco if planted and cultivated under shade. The shades were made at great expense, millions of dollars invested, and failure was the result. Again the Plant Bureau had to come in and develop by breeding a species of this tobacco that would grow in Connecticut. The trouble is that these men are soil men. They are not plant men. They make an analysis of the soil, and without taking into account the habits of the plant, without taking into account at all times the climatic conditions as well, they undertake to tell the farmers what they can do, and it oftentimes proves that their judgment is wrong.

The position of the committee on this matter is this, that we ought to go slowly, and that is why we did not increase the appropriation for this bureau. We thought that they ought to be required, so far as is possible, to confine their work to research work, to experimental work, and to investigational work, and not branch out into other lines until we know where we are, until we are sure of our ground; and we have not yet reached that point.

I can state other instances. Another instance occurred in the State of California, where the soil men had gone into the State and examined the soils in a particular region in the Sacramento Valley, I believe it was. They said the soil had a disease which prevented the people from raising potatoes. Last year Congress took from the Bureau of Soils the research

work they had been doing and turned it over to the Bureau of Plant Industry, and this work was put on the latter bureau. They sent a man out there, and they found that the trouble was not a soil problem at all, but that there was a disease of the tuber, a disease of the potato plant, that was making the trouble. It was not a soil problem in any sense of the word.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield for a question for information?

Mr. POLLARD. Certainly.

Mr. HUMPHREYS of Mississippi. Do the investigations of the Bureau of Soils throw any light on the question of fertilizers to enable the farmers to select more intelligently the kind of fertilizers that should be put on their crops?

Mr. POLLARD. To a limited extent I think that is true.

Mr. HUMPHREYS of Mississippi. I would like to ask the gentleman, as I have never understood exactly, what the misinformation is that they are sending about over the country?

Mr. POLLARD. The misinformation I have just stated concerning the care of tobacco in the South, notably in the State of Florida and other parts of the South.

Mr. HUMPHREYS of Mississippi. That is a result of this investigational work that I understand the gentleman is in favor of?

Mr. POLLARD. They went in there and made a survey of the soil, and they told the people there that they could grow a particular type of tobacco. And when they came to grow the tobacco they found it did not grow successfully.

Mr. HUMPHREYS of Mississippi. Let me see if I understand the situation. I am asking for information. It is the gentleman's idea and it is the committee's idea that they ought to ascertain the facts and not express an opinion on them?

Mr. POLLARD. No, sir. We want them to ascertain the facts. That is the trouble. They publish stuff that does not prove to be the facts. What we want them to do is to go slow and know their ground, and not publish any information until they are sure they are right. That is all. The fact is that we know very little about the subject.

The CHAIRMAN. The time of the gentleman has expired.

Mr. POLLARD. Mr. Chairman, I would like to ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. EDWARDS of Georgia. Mr. Chairman, I wish to make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARTLETT of Georgia. Mr. Chairman, I favor this amendment, and I want to say to the chairman of the Committee on Agriculture that I have not read the testimony of Doctor White given before that committee; but I know him to be a gentleman of very high literary attainments; a member of the faculty of the State University, at Athens, Ga., from which I graduated; a gentleman whom I personally know and that, too, very pleasantly. I understood the gentleman to read from his testimony in which he disapproved of the appropriation for soil surveys. There has been for some years past a difference between Doctor White and the practical farmers of the State on this and other matters as to the best methods to be used in advancing education in agriculture and in the application of the fund appropriated for the benefit of agricultural colleges. Doctor White lives in the city of Athens, the most aristocratic city in our State, and where the State University has always been situated, and there has been an effort going on to remove the experiment station from Griffin to Athens. While I have the utmost confidence in Doctor White as a teacher and a professor in the University of Georgia and in his sincerity, there are many farmers in the State of Georgia and in my own district, where some of these surveys have been made, whose opinions as to whether this survey has been of any practical benefit to the farmer or not I would readily accept in preference to his.

Now, I hold in my hand the report of the Secretary of Agriculture, and I want to read what is stated in reference to some of the soil surveys and the benefits that have resulted therefrom:

The importance of the soil survey as a factor in national development may be judged from the fact that the value of the annual products of the soil has now reached \$8,000,000,000, and in the conservative estimate of the experts of the Bureau of Soils this stupendous amount might easily be doubled within the next twenty years through a complete comprehension of the full capabilities of soils now cultivated and the discovery of the proper uses for soils not now cultivated. Such an undertaking is worthy the careful consideration of all who desire the present achievements of American agriculture to be surpassed by those of the immediate future and by all who desire to provide a secure foundation for all the industrial activities of the Nation.

I do not like that word "Nation" very much. Still, I will have to accept it.



The necessities of that population for which the United States must provide under normal conditions of increase of population demand that all agencies leading to the increased efficiency of soils should be fostered.

We foster and protect manufactures of all kinds; spend a hundred millions and more for battle ships a year, and many millions more which in no way add to or increase our material wealth—and surely the insignificant sum asked for to aid in increasing the products of agriculture should not meet such strenuous opposition.

Further on:

One of the most notable accomplishments of the Bureau of Soils is the development and extension of the tobacco industry in southern Georgia and northern Florida, in Alabama, and in east Texas, whereby the area planted to tobacco has been more than doubled since the inception of soil-survey work in the regions, and the profits derived by the farmers have been more than quadrupled in the last six years.

A statement, so far as Georgia is concerned, which I am satisfied is a fact—

Mr. SCOTT. May I inquire from what the gentleman is reading?

Mr. BARTLETT of Georgia. From the report of the Secretary of Agriculture for 1908.

Mr. SCOTT. I presume the Chief of the Bureau of Soils wrote that part of the report which the gentleman has been reading.

Mr. BARTLETT of Georgia. Certainly he did.

Mr. SCOTT. He is hardly a competent witness in a matter of his own work.

Mr. BARTLETT of Georgia. He is not asking for this.

Mr. SCOTT. You are very much mistaken.

Mr. BARTLETT of Georgia. Mr. Chairman, I want to say that so far as the Chief of the Bureau of Soils is concerned, and the expert men whom we employ for the purpose of making these soil surveys, I would take their statement over that of Doctor White, elegant and accomplished gentleman as he is. Now, this report states further:

In the Gulf States the development of special industries along the coast is showing uses for lands which have been previously considered of little or no agricultural importance, and lands once held at a nominal value for their timber stand now have a greater value for agricultural lands, even after the timber has been removed. This is largely due to the fact that their agricultural uses have been shown by a number of well-located soil surveys.

Do I understand the gentleman to discredit the report of the Chief of the Bureau of Soils, which has been transmitted to us by the Secretary of Agriculture with his apparent approval?

Mr. SCOTT. All I undertook to say was that it would be a poor chief of a bureau who would not claim that the work of his bureau was of use.

Mr. BARTLETT of Georgia. It would be a poor and unworthy chief of a bureau who, when the work was not satisfactory or of no value, had not accomplished the results that were desired, would not have the honesty to tell Congress of it. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT of Georgia. Mr. Chairman, I would like to have about three minutes more.

The CHAIRMAN. The gentleman asks that his time may be extended three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SCOTT. There were four gentlemen before us connected with the National Association of Agricultural Colleges during this past year, each of whom testified that, in their judgment, the value of the work of the Bureau of Soils had been grossly exaggerated. Does not the gentleman think that their opinion is entitled to great weight?

Mr. BARTLETT of Georgia. Will the gentleman tell us their positions? I do not ask for their names.

Mr. SCOTT. They are connected with state agricultural colleges and experiment stations—Doctor White, Doctor Jordan, Doctor Stone, and Professor Curtiss.

Mr. BARTLETT of Georgia. Doctor White is the president of the agricultural college at Athens, and the experiment station for Georgia is in my district; and the survey of the lands in the county where it is located was made at my request, and at the instance of many prominent farmers.

Mr. SCOTT. Doctor White stated that a survey had been made on the experimental farm over which he had control, and he did not regard it of sufficient importance to consider it.

Mr. BARTLETT of Georgia. Doctor White, I apprehend, did not know what I know of the great number of applications that are made for information on this subject.

Mr. SCOTT. Then the State of Georgia better employ a more efficient man to protect its agricultural interests.

Mr. BARTLETT of Georgia. A great many farmers in Georgia might agree with the gentleman on that.

Mr. CANDLER. Does the gentleman know that the files of the Bureau of Soils are filled with requests for soil surveys, many of them coming from agricultural colleges?

Mr. BARTLETT of Georgia. Yes, sir; I do know it; and know it by reason of the fact that that has been given me as the reason why surveys could not be made in my district when asked for. All I desire to add is, that if the real farmers were consulted more by the committee we would be better informed what the farmers need. In the county in my district when the survey of the soils has been made, and it happens to be the one referred to by Doctor White, I know the farmers believe it has been of benefit. I am sorry Doctor White should express the opinion he does, as it is not sustained by the information I have received on the subject.

Mr. SCOTT. I believe the time has been equally divided between the two sides, and I ask unanimous consent that debate upon this paragraph and all amendments thereto close in twenty minutes. I believe that will be satisfactory.

Mr. OLLIE M. JAMES. I do not think that the time has been fairly divided.

The CHAIRMAN. Pretty nearly.

Mr. UNDERWOOD. I would say half an hour would be satisfactory, if the time could be equally divided between the two sides.

Mr. SCOTT. I ask unanimous consent that debate close on this paragraph and amendments thereto in thirty minutes, the time to be equally divided between the two sides.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that debate on the paragraph and amendments thereto close in thirty minutes.

Mr. UNDERWOOD. The time to be controlled by the gentleman from Kansas and myself.

The CHAIRMAN. The time to be controlled by the gentleman from Kansas [Mr. SCOTT] and the gentleman from Alabama [Mr. UNDERWOOD]. Is there objection? [After a pause.] The Chair hears none.

Mr. LAMB. Who controls the time?

The CHAIRMAN. The gentleman from Alabama and the gentleman from Kansas.

Mr. BARTLETT of Georgia. I would like to get permission to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. I yield three minutes to the gentleman from Mississippi.

Mr. CANDLER. Mr. Chairman, it is of course very difficult to say anything in two minutes; but in view of the statement of the gentleman from Nebraska [Mr. POLLARD], who challenges absolutely any benefits to be derived from the work which is being done by the Bureau of Soils, and in view of his statement that the experts who have made these soil surveys make reports which are practically valueless, I feel that in justice to the House and to myself I should say a word in reference to some surveys which have been made in my own district. The surveys there have developed the fact that alfalfa, which is one of the most beneficial crops now being raised in the United States and one of the most profitable, can be raised upon lands which heretofore were not thought at all suitable for the production of it. The information was given by the soil-survey experts in their report. This has been followed up by actual experiments by the farmers themselves, which have demonstrated the fact that the information given by those experts was absolutely reliable and that it could be depended upon, and the actual results which have come from the experiments made show the value of the soil survey. My observation is that some scientists may believe and these so-called "agriculturists" may think that these soil surveys are of no value; but whenever you get down to the soil itself and investigate it and analyze it and determine what crops can be grown upon it, it has been demonstrated oftentimes and in almost every instance that the information given by this bureau is of great value to the farmer himself. He is the man whom I am anxious always to benefit and to help, because, as I said upon this floor the other day, whenever you help him you help every other calling, business, and avocation of every other citizen of the United States. [Applause.]

Mr. UNDERWOOD. I yield two minutes to the gentleman from Florida [Mr. SPARKMAN].

Mr. SPARKMAN. Mr. Chairman, I am unable to say what benefits have resulted to other States from the soil survey, but I do know that it has been of very great service to the State of Florida. An investigation was started in my State some time ago, as was stated by the gentleman from Nebraska, to determine the adaptability of certain soils in Florida for the

production of tobacco, and as a result of those surveys large tobacco fields were established, yielding a very great income to those engaged in the business. Furthermore, these tobacco growers have produced and are producing a very fine quality of Sumatra tobacco; in fact, I think I risk nothing in asserting that they are producing a finer grade than the imported article, perhaps the finest and best that is being grown in this country. Only a few sections of the State were touched by these surveys, but as a result tobacco is being grown in large quantities in Pasco County, in the middle portion of the peninsula, and in Gadsden, Leon, and Jefferson counties, in the northern part of the State; and I have no doubt that if the investigations by the bureau were continued as they ought to be carried on soil well adapted to the growth of tobacco would be found in other portions of Florida.

I want to say further in this connection that the gentleman from Nebraska is entirely mistaken when he says, as I understood him to say, that the tobacco produced in Florida is useless and can not be sold; that while those engaged in the survey reported that they had found soil adapted to the growth of tobacco, that mistakes were made by those who acted upon the report of the bureau and, undertaking to grow tobacco not suited to the soil, had made failures, producing an article that could not be sold at remunerative prices, and that hence the business was languishing. This I deny, for, from the very beginning, the tobacco growers have received satisfactory prices for their products. It is true that during last year, for reasons which we can all understand, the price of tobacco was not as high as it had been theretofore; but the producers, knowing that they have a good article, one that could and should command fair returns, are holding for higher prices, and will no doubt get them.

I was down in the tobacco-growing section of northern Florida a few days ago and talked with several people engaged in that industry, and instead of finding them discouraged, as one would suppose from the remarks of the gentleman, I found them still enthusiastic over the results, as they expect within a very short time to be able to market the entire output of last year at fair prices.

Mr. POLLARD. Will the gentleman yield for a question?

Mr. SPARKMAN. I have only a few minutes, and I hope the gentleman will excuse me.

Mr. Chairman, this work of the soil survey has not been carried on as yet to any great extent, comparatively speaking. I have been making an effort for the past two or three years to have it carried further, but without satisfactory results, owing to a lack of money with which to conduct it. Some gentleman here a moment ago said, as if apologizing for the bureau, that all one had to do to obtain a survey was to go to the department and ask it to be made and that it would be done. My experience, however, does not sustain that assertion, for I have been there time and again and have uniformly received the same answer—that the department did not have money enough to carry on surveys for the various States as rapidly as they should be carried on and as the department wished to carry them on. I am therefore in favor of this amendment, which proposes to increase the amount recommended by the committee, as I desire, within reasonable bounds of course, to place at the disposal of the department all the money it may need to perform this very important service, for important it is. It has been intimated here that the department was not only getting all the money it needed, but practically all it wished. I do not so understand the language of the Secretary of Agriculture in his annual reports, to say nothing of statements that have been made to me from time to time by department officials.

The Secretary of Agriculture, in his report for 1908, undertakes to show the importance of these surveys by stating their character and the extent to which they have been carried. Let me read a paragraph or two from this report:

A soil survey determines the exact character of the various soils, and their location and extent in each area is studied. It also ascertains their present use and capabilities by personal observation of the field force and the report of practical farmers owning and operating the soils and the farms investigated. It summarizes all of the present knowledge of these soils, whether obtained from the farmers who are cultivating them, from the chemical, physical, and fertility investigations of the bureau's laboratories, or from the experimental and research work of the various State institutions concerned. It also enables all soil investigators and agricultural experimenters, as well as the farmers, to make direct comparisons between the soils of any one locality and of all others in the United States. It presents an unprejudiced statement of fact concerning each soil and its uses in each area, and, wherever possible, also forecasts and advises additional and more profitable occupation for each soil. It presents to the farmer a statement of what the full capabilities of his soils are and of the crops produced and methods of cultivation and soil management employed throughout the region in the successful handling of these soils. It gives to the investor and the home seeker those statements of fact concerning soil and agricultural conditions which are essential to insure safe investment and a satisfactory home. It calls attention to

the undeveloped soils and their capabilities and the lines of their safe occupation and profitable development. It serves as a summary of the best that is known about soils and a forecast of the best that can be discovered. Such service is essential to the individual welfare of the citizen and to the well-balanced, systematic development of the national soil resources.

The importance of the soil survey as a factor in national development may be judged from the fact that the value of the annual products of the soil has now reached \$8,000,000,000, and in the conservative estimate of the experts of the Bureau of Soils this stupendous amount might easily be doubled within the next twenty years through a complete comprehension of the full capabilities of soils now cultivated and the discovery of the proper uses for soils not now cultivated. Such an undertaking is worthy the careful consideration of all who desire the present achievements of American agriculture to be surpassed by those of the immediate future and by all who desire to provide a secure foundation for all the industrial activities of the Nation. The necessities of that population for which the United States must provide under normal conditions of increase of population demand that all agencies leading to the increased efficiency of soils should be fostered.

Certainly a system which produces such results as these is well worthy of being fostered to any reasonable extent by Congress, and the appropriation proposed by the committee, enlarged as this amendment would enlarge it, would not be in excess of the amount required. Indeed, I think it could profitably be increased to a still greater amount.

Still further on the Secretary gives the results of the soil-survey investigations in some of the Southern States, as follows:

In the Gulf States the development of special industries along the coast is showing uses for lands which have previously been considered of little or no agricultural importance, and lands once held at a nominal value for their timber stand now have a greater value as agricultural lands even after the timber has been removed. This is largely due to the fact that their agricultural uses have been shown by a number of well-located soil surveys.

And in his report for 1907, in speaking of the results of these investigations in the matter of tobacco growing, he says:

As a direct result of the soil surveys and of the laboratory investigations, the possibility of producing a finer textured tobacco wrapper leaf in the Connecticut Valley was taken up, and it has been developed to a point where it is assured that a leaf approaching the Sumatra tobacco in texture, but with other local and distinctive characteristics, has been produced in the Connecticut Valley; and largely as a result of the bureau's work in Florida, the American-grown wrapper leaf has taken a foremost rank, is being exported to foreign countries, and is taking its place in real competition with the Sumatra leaf. The interest in this shade-grown product has grown to large proportions and the extension of this industry is contingent to a very large extent upon the soil surveys which shall point out the soils upon which this desirable leaf can be produced.

No suggestion there that the grower has been misled to his injury; on the contrary, it is shown that he has greatly prospered by the information given him by the department.

Hence it will be seen that the Secretary places, and very properly so, too, great store by the soil surveys, and states not extravagantly but conservatively the great benefits which have accrued to those sections of the country, including Florida, where this work has been carried on.

Mr. Chairman, one of the greatest problems now claiming the attention of the legislator in this country is how best to decentralize urban population, how best to check the tendency of the individual to leave the farm and go to the city. A partial solution of this great problem may be found in pointing the industrious and enterprising farmer to the land, no matter where located, out of which he can get the best results for his labor; in giving him information as to the soil where he may produce those special crops which will bring him better returns than ordinary farming. Such may be done in almost any section of the country, and particularly in Florida, where nearly every product of the farm, the orchard, and the garden may be produced. These soil surveys will, by furnishing this much-needed information, accomplish great good along the lines just suggested.

Some one says, however, that we should go slowly, doing a little this year, a little next, and so on, thus spreading the work over a number of years, as if there was merit in long delay. But if it is important to do the work at all, as it certainly is, why not accomplish it as early as possible? That, to my idea, would be the wise course to pursue, and the only way to do it would be to furnish adequate appropriations, which we have not been making heretofore. I therefore hope the amendment will prevail.

Mr. UNDERWOOD. I yield two minutes to the gentleman from Arizona [Mr. SMITH].

Mr. SMITH of Arizona. Mr. Chairman, I do not know much about soil surveys, because there has been so little of it done around my country. There has been, as the map before you shows, some surveys made on the Salt and Colorado rivers. I am informed by various boards of trade in telegrams received yesterday that these soil surveys have been of great value in the selection of soil for appropriate crops. I am very much in favor of this amendment, providing always that a little more



of it comes to Arizona. [Laughter.] We have tracts of land containing a vast number of acres of the finest soil in the world, but it is difficult for sparsely settled populations to ascertain by costly experiment what crops can be most profitably grown upon it. Without detaining the committee, I should like to say that this amendment I hope will pass, if the appropriation will give to the soils of that Territory a little more investigation. It is more needed in the West than elsewhere, for the reasons indicated. I have no doubt that vast tracts of land lying in many fertile valleys in Arizona, the great value of which is yet unknown, may shortly become the most fruitful fields on earth, when the anxious homeseeker is informed, through the publication of scientific experiments, of the crops to which these lands are peculiarly adapted.

But if these soil surveys are to be confined to old and thickly settled agricultural districts, I doubt whether the appropriation should be enlarged. These experiments should be largely confined to government lands, with the purpose of building homes in the waste places rather than on soils that have been cultivated by intelligent farmers for the last fifty or one hundred years.

I have little doubt that certain districts in Arizona could grow the finest tobacco in the world. But who is to ascertain this fact? The poor settler is not able to do it. He can barely make a good living on his little homestead entry in the desert by raising the crops costing the least labor. He can not afford to hire help to experiment on the agricultural possibilities of the soil. I am sure the finest cotton in the world can be grown on thousands of acres of the public domain in Arizona. Soil surveys should reveal to the cotton growers this fact and make the growing of that staple a great western industry. I hope the amendment will be adopted, but whether it is or not, I sincerely hope that a much larger sum than usual under this soil-survey appropriation may be dedicated to its fittest purpose, in pointing out to the homeseeker the lands on which, by industry and intelligent work, he may find shelter and comfort for his family on a farm and under a roof all his own.

Mr. UNDERWOOD. I now yield two minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER of Illinois. Mr. Chairman, in my judgment the soil survey, if properly made and afterwards followed by demonstrations as to what particular plant that soil is adapted, is of the utmost importance to the farmer. It has been demonstrated in the State of Arkansas that rice growing has been made profitable, and that land that was formerly worth but \$2 is now worth \$75 per acre.

I believe, Mr. Chairman, that these soil surveys should be made wherever it is possible to do so. In a new country where the land is rich and where it will produce almost any kind of a crop it is not necessary; but in the old countries where farming has been going on for years and years until the land is worn out and no longer produces good crops, it is necessary to know the elements that are in that soil and to know the elements that are not in there in order to supply the proper elements lacking to produce the best crops for which that particular soil is capable. You can not know that unless you know what is in the soil.

The farmer can not know the profitable crops adapted to his land unless he knows the elements that are necessary are in the land. If any of the elements are lacking, it is necessary to place them there to produce the crop that is desired. When this is done, the tilling of the soil is brought down to a scientific basis, and it can only be done in this way.

The State of Illinois is doing a great work in soil survey under the direction of Prof. C. G. Hopkins, of the State University. He has demonstrated to the farmers of that State the importance of knowing all about the soil and how to supply the missing elements. Through the proper survey of the soil and the demonstration of the particular crop to which it is adapted his assistance has been of great benefit to our people. I am sure we appreciate it in that State very much. The benefit of the analysis of the soil enables our farmers to know how to till the soil in a scientific way. Under the work of Professor Hopkins it is intended to make a survey of the whole State, so we may know the different kinds of soils and what crops can be grown to the best advantage. The soil survey without a demonstration of what can be done is of little value. [Applause.]

[Mr. SHACKLEFORD addressed the committee. See Appendix.]

Mr. SHACKLEFORD. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SCOTT. I yield two minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, I think the Bureau of Soils is a humbug. I think the head of the Bureau of Soils knows a good deal more about running a campaign for increased appropriations than he does about soils or their uses. I am not willing to take the judgment of a man who devotes most of his time to having telegrams sent to Members of Congress to vote for increased appropriations instead of devoting all of his time to the duties for which he is paid by the Government. I think if the head of the Bureau of Soils would devote less of his time to campaigns for increased appropriations and more of his time to the study of his job he might some day or other learn something about the thing for which he is being paid, and his judgment might in the end be worth taking on a proposition as important as this.

Mr. OLLIE M. JAMES. Will the gentleman yield?

Mr. MADDEN. Oh, surely.

Mr. OLLIE M. JAMES. Does the gentleman tell the House that the head of the Bureau of Soils has caused these telegrams to be sent here?

Mr. MADDEN. I believe, without any question, that the telegrams sent by the people from the various States of the Union to Members of this House were sent at the instigation of the man in charge of the Bureau of Soils.

Mr. OLLIE M. JAMES. Does not the gentleman believe that he does that gentleman a grave injustice to assert he did that when he has not any personal knowledge of it?

Mr. MADDEN. I would not want to do anybody an injustice, but I am quite sure this is not the first time that he has done that sort of thing. I have ample evidence to be able to reach a conclusion that he has done it in former cases, and the fair assumption is that he has done it in this instance. So that if the gentleman paid by the Government for discovering the value of soils in the various sections of the country would devote himself to the duties for which he is paid, and about which he is supposed to know something that is of some use to the people of the country, he would be more valuable doing that than he would be doing what I am sure he has done and ought not to do.

Mr. NORRIS. If that be true, would it not be a good idea to increase this appropriation, so as to give him more to do in his particular line of soil culture, and then he would not have time to run the other campaign? [Laughter and applause.]

Mr. MADDEN. On the contrary, I believe that, with such a man at the head of such a bureau, all the appropriations now standing to the credit of that bureau ought to be eliminated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STANLEY. Mr. Chairman, I hope the committee will permit me to say this much in justice to Mr. Whitney. I want to say that he stated to me that he had never used any influence of that kind, directly or indirectly, to affect the view of any Member.

Mr. SCOTT. Mr. Chairman, I would like to inquire in whose time the gentleman from Kentucky is speaking. I have not yielded him any time.

The CHAIRMAN. The gentleman is speaking by unanimous consent.

Mr. SCOTT. I will now ask the gentleman from Alabama to use some of his time.

Mr. UNDERWOOD. How much time is left?

The CHAIRMAN. The gentleman from Alabama has eight minutes remaining, and the gentleman from Kansas twelve minutes.

Mr. SCOTT. Then I yield five minutes to the gentleman from Virginia [Mr. LAMB].

Mr. LAMB. Mr. Chairman, there is but one question before this House, and that is whether or not you will adopt this amendment adding \$100,000 to the Bureau of Soils or whether you will stand by your committee, who had a fair opportunity and one of the best opportunities to ascertain what amount should be appropriated for this bureau. All this wide range that this question has taken is not germane to the discussion at all, and I do not propose to discuss the utility of the soil survey or its desirability. But I want to say this, that as a member of that committee and the oldest member in service on it, and this opinion is shared by many another Member of this House, that this Bureau of Soils should never have been created, that it should be a division in the Bureau of Plant Industry, because these soil surveys are of no service to anybody until there is a demonstration, and the Bureau of Plant Industry takes these soil surveys and makes experiments, and analyzes the different soils reported by the survey, and tells the farmers through bulletins what these soils will produce best. That map in front of the Speaker's desk shows whether or not your committee has been niggardly toward this Bureau of Soil

Survey—we have given them an increase every year for ten years.

When I first became a member of the Agricultural Committee the Division of Soils, as it then was, received \$16,000 in round numbers. This year the appropriation amounts to \$237,000. These surveys are made faster than the Bureau of Plant Industry can demonstrate the possibility and practicability of the soils and to what those soils are adapted. Now, it is a wild speculation to attribute the prosperity that has come in this country to the farmers and others to the soil surveys. It is all chimerical; it is useless to talk in that sort of way. We have given the Soils Survey all the money they can use, and I ask this committee to stand by the report of the Committee on Agriculture. Every year we are troubled with this. Last year there was put on a great addition here, and the Senate cut it out, as it will do this time should the amendment prevail. We are wasting time talking about it. The question is whether we shall add the \$100,000 or stand by the report of your committee, which I think knows what it is doing and is one of the most industrious committees in this House, if I do say so. [Applause.]

Mr. COX of Indiana. How much did this bureau demand of your committee in appropriations this year?

Mr. LAMB. They do not demand, but they estimate for \$287,100, and we gave them the same sum as last year.

Mr. COX of Indiana. How much did they recommend the increase to be over what it was last year?

Mr. LAMB. Forty-nine thousand four hundred dollars.

Mr. COX of Indiana. Then I understand the Committee on Agriculture complied with their recommendation?

Mr. LAMB. We did not give them all they asked. Of course we are not going to give them all they asked; if we did, we would not have money for anything else.

Mr. COX of Indiana. How much did your committee increase it?

Mr. LAMB. We did not increase it. We gave them the same as last year. I now yield back the time to the gentleman from Kansas. I simply desired to discuss the amendment offered by the gentleman from Alabama [Mr. UNDERWOOD] and show to the House that the report of our committee was reasonable and all that the Soils Survey should ask.

Mr. SCOTT. Mr. Chairman, I now yield two minutes to the gentleman from Ohio [Mr. COLE].

Mr. COLE. Mr. Chairman, I recognize the value of the work that has been done by the Bureau of Soils surveys. I went into the committee this year with the express determination of offering an amendment to increase that appropriation in accordance with the estimates of the department. I believe that anything that will conserve the fertility of the soil ought to be encouraged, because we recognize it as the greatest natural resource that the Nation possesses to-day. Any contribution to that end should certainly be welcomed by Congress. But after I had listened to all the evidence on this proposition and ascertained the use that is being made of these soil surveys, the impracticability of the reports which were being made, the utter impossibility of the farmers applying it practically in their operations throughout the country, I concluded to vote with the committee, and believe that the present appropriation is sufficient.

They are engaged in good work. Let them proceed with this experimental work that they are now doing for years with the present appropriation. Then, if it becomes practical and can become of use to the American farmer, we can increase the appropriation. But during the experimental stages let us permit the appropriation to remain where it is. The sum is sufficient for experimental purposes.

Mr. EDWARDS of Georgia. Will the gentleman yield?

Mr. ASHBROOK. Mr. Chairman, will the gentleman permit a question?

Mr. COLE. Certainly; I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I would like to ask the gentleman if it is not a benefit to the farmers to have these soil surveys made, how does the gentleman account for the fact that there is a general clamor to have them made throughout the country?

Mr. COLE. Mr. Chairman, I have not observed any great clamor for these soil surveys. I think that the evidence on file will not sustain any such conclusion.

Mr. EDWARDS of Georgia. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. COLE. My time has expired.

Mr. EDWARDS of Georgia. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended—

Mr. SCOTT. Mr. Chairman, I must object. We on this side have only one more speech, and I would like for the gentleman

from Alabama to use that time, and I yield four minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Chairman, in the midst of so much difference of opinion as to the usefulness of soil surveys, I think it might be timely to cite cases that are certain. Sumter County, in the sixth district of Alabama, was surveyed some years ago. In the last three years we have undertaken to utilize the benefits of that survey, the result of which has opened up a large part of the soil of Sumter County to the culture of alfalfa and has shown the possibilities of other culture that have never been suspected before.

We have completed the survey of Marion County, in the sixth district of Alabama, and have discovered, where it was never dreamed before, that here also there are soils suited to the culture of alfalfa. We are now beginning that culture in this county. We believe that in the county of Tuscaloosa and the county of Pickens and the county of Hale that we have soils similar to the county of Perry, in the ninth district, where tobacco has been successfully grown as the result of a soil survey. We are now waiting for the survey of those counties to begin the introduction of this valuable culture.

Mr. COLE. Will the gentleman yield for a question?

Mr. HOBSON. I am sorry, but the four minutes I have are all needed to make a simple statement of fact.

Mr. Chairman, there is a great deal of confusion on this subject that ought not to exist. Many Members are confusing the soil survey with the utilization work that follows. I found the reports of the survey of Sumpter County piled up in the probate office. Nobody had ever used them. They had been there for some time and had done no good. I can see perfectly well that if no utilization work is undertaken after the survey is made the survey will not be of much use. I believe that utilization work should be pushed and rapidly developed. But, at the same time, you can not take up the best and most complete and most scientific work of utilization until after the soil survey has been made. Therefore the survey work should be pushed the more rapidly, so that utilization can go ahead. Confusion seems to exist as to the relation of the work of the bureaus in the Department of Agriculture, due no doubt to the former overlapping of the work of the Bureau of Soils and Bureau of Plant Industry. This overlapping has now been eliminated by a ruling of the Secretary of Agriculture.

The Bureau of Soils has now been confined strictly to the work in which it is expert. There can now be no question of misinformation, no question of doubt, as to the accuracy of the reports sent out by this bureau.

It is a mistake to assume, however, that restricting the duties has reduced the amount of work now falling to this bureau. On the contrary, the field of this work has been enormously extended by adding the whole semiarid zone. The country has been divided during this last year into great zones, one of which is called the "semiarid zone," extending from Texas to the Canadian frontier. This great section of the country is waiting on these surveys to utilize great possibilities known to exist there. In order to meet the demands from this zone it was decided to reduce the surveys in the South and in other parts of the country, which has worked a hardship there. Mr. Chairman, no section of the country ought to be made to wait. The survey is the first step needed, and no time should be lost in making surveys of all the farm lands of the Nation. Nor is it a matter for the States alone or the Nation alone, but for cooperation of both State and Nation. We should lose no time in putting agriculture on the most scientific basis and in finding out, as in my district, the extent of the soils available for all the great crops.

The best-informed and most farsighted men of the country are pointing to a day not far distant when America will be compelled to import foodstuffs. We can make no mistake in supplying ample funds for pushing forward the soil-survey work. As to the Chief of the Bureau of Soils, the chief complaint seems to be his enthusiasm for the cause. As far as my observation has been able to extend, he is one of the most conscientious, hard-working, competent public servants I have ever known; but even if he has been overzealous, that is no just ground for making the agricultural interests of the country suffer for lack of funds. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBSON. I would like one minute more.

Mr. UNDERWOOD. I have promised the balance of my time, I will say to the gentleman from Alabama.

Mr. HOBSON. Could the chairman of the committee give me one minute?

Mr. SCOTT. I am very sorry, but my time is all used.

Mr. UNDERWOOD. I yield one minute to the gentleman from Mississippi [Mr. HUMPHREYS].



Mr. HUMPHREYS of Mississippi. Mr. Chairman, a criticism has been made of the experiments in tobacco culture which resulted from the soil surveys. The fact was reported to this House last year, and is uncontradicted so far as I know, that the internal-revenue increase as the result of these tobacco experiments in Alabama and in Texas brings into the Federal Treasury more than the Government has ever appropriated for all these surveys.

The gentleman from Nebraska [Mr. POLLARD] in his criticism, and a harsh criticism, of the Bureau of Soils admits that these surveys do enable the farmers in a large way to determine what fertilizers to use. The Secretary of Agriculture in his report says that the farmers of this country spend a hundred million dollars a year for fertilizers, and that a third of that sum, \$33,000,000 a year, is wasted because of the misapplication of fertilizer elements to soil conditions and needs. If we are to save the farmers in this country \$33,000,000 a year, or any fraction of that sum, it occurs to me to be inexcusable economy to refuse to appropriate \$100,000 for the purpose. [Applause.]

Mr. UNDERWOOD. Mr. Chairman, I yield a minute to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, I simply want to state this: Five or six years ago I had these soil surveys made in my district in two of the largest counties. The farmers were greatly benefited and so told me. A commercial board in one county and others urged me last session, I think, and I brought the matter to the attention of the committee last session to ask for reprints of what had been done, so that all the farmers in the district might study what had been said by the scientists who went there and investigated this matter. The latter showed the people where it was best to plant their seed corn, wheat, potatoes, tobacco, berries, and so forth, and they have, to a great extent, done so and been greatly benefited. For instance, they said that out yonder on the side of a barren hill, among the little oak bushes and in similar soil, they could best produce berries and fruit. So the people down there, who were not using these barren hills, are now, as a result of this information, and they turned these hills into vineyards and formed associations for that purpose. I say that it has been a great benefit to those who have studied what these men have taught. [Applause.]

Mr. SHEPPARD. The soils of the United States constitute the greatest natural endowment of the American people, far exceeding in the value of their annual products the returns secured from all mines and fisheries. The Bureau of Soils is charged with the investigation of these soil resources and with determining the best methods for the development of agricultural industry upon all of the various soils which exist in the different portions of the country.

Soil surveys have been made of the tobacco soils of the United States covering the most important tobacco-producing districts in 16 different States. The results of these soil surveys show that among all of the agricultural crops the tobacco crop is probably more directly affected by the character of the soil upon which it is grown than any other. The heavy clay soils of Kentucky and Tennessee produce the thick export tobacco to the best advantage. The light sandy soils of the Connecticut Valley and of Florida produce the cigar-wrapper tobaccos. The sandy loam soils underlain by clay at a moderate depth produce the cigar-filler tobaccos in Florida, Alabama, and Texas, which are excelled only by the very best leaf produced in the most favored tobacco districts of Cuba. Through the work of the Bureau of Soils in outlining and indicating the existence of these different classes of soils, the area devoted to tobacco, particularly in the Gulf States, has been more than quadrupled in the last five years, and sections which ten years ago depended solely upon cotton as their money crop are now producing millions of pounds of tobacco upon soils which have been shown by the soil surveys to be peculiarly suited to the production of this crop and of far greater value for the production of tobacco than of any other crop which can be grown.

The investigations of the Bureau of Soils, through its soil surveys, have also shown the existence along the Atlantic and Gulf coasts of large areas of sandy loam soils peculiarly suited to the production of market-garden and winter truck crops, and as a result of soil surveys throughout the Southeastern and Southern States, land which was formerly held to be worthless for the production of staple crops, is now valued at \$100 to \$200 per acre for the production of winter truck and small fruits.

The Bureau of Soils has investigated the types of soils best suited to the production of a large number of different varieties of apples, not only throughout the Northeastern States, but also throughout the Appalachian region and the Ozark uplift

of Missouri and Arkansas. These soil surveys have shown that different soil types are suited to single and peculiar varieties of apples which can be produced to the greatest perfection only upon a definite class of soil. The horticultural interests of several States have been vitally affected by the results of these soil surveys in New York, Pennsylvania, Virginia, Alabama, Arkansas, and Missouri.

The soil surveys in south Texas have shown that the soils of a vast region formerly given over to the grazing of cattle, and considered of only moderate value for the production of cultivated crops, are suited to the production of citrus fruits and highly valuable varieties of table grapes. The soil surveys in northern and northeastern Texas have also indicated the existence of hundreds of thousands of square miles of land especially well suited to the production of alfalfa and of other valuable forage crops. These lands constitute vast stretches of prairie which had formerly been given up to the sole production of the cotton crop. With this crop threatened by the advance of the Mexican cotton-boll weevil, it is absolutely essential that the farmers of north Texas should understand the capabilities of the soils for the production of alfalfa, corn, and sorghum. Extensive soil surveys should be made in order to demonstrate the existence of soils suited to these crops.

Along the Gulf coast of Texas, extending westward from the Louisiana rice fields, are extensive areas of prairie soils which a few scattered soil surveys have shown to be peculiarly well suited to the production of rice. Additional soil surveys should be made along the Gulf coast from the Sabine River westward to indicate the remaining areas of this prairie land which may be occupied by the rice crop. Throughout the same region the alluvial lands along the rivers constitute an additional area upon which sugar cane may be produced economically, and the extension of the home production of refined sugar necessitates the extension of soil surveys to show the extent and character of these soils.

One of the most important results of the soil-survey work throughout the cotton-growing States has been to demonstrate beyond question the fact that the annual cotton production of the Gulf States may be more than doubled without the use of a single additional acre of soil for growing the cotton crop. Soil surveys in Alabama, Mississippi, Louisiana, and Texas, and a study of the adaptation of these different soils to the different varieties of cotton, have shown that the States of the cotton belt annually suffer millions of dollars of loss from the indiscriminate planting of unknown varieties of cotton upon types of soil to which such varieties are not at all suited. Experimental work at the different state stations have shown that the amount of lint produced by cotton which has been originated and bred upon a distinct type of soil is not infrequently reduced to less than one-half the yield when this variety of cotton is planted upon another soil. If the cotton planters of the Southern States can be shown, by the means of these soil surveys, what the capabilities of their cotton soils are, and can be told what varieties of cotton will produce the largest yields upon each of these soil types, there will be an annual profit to the cotton planters alone which will return to them \$1,000,000 for each \$1,000 expended in the prosecution of these soil surveys.

The agricultural lands of the Southern States are not like those of the great central prairie States densely occupied by an agricultural population. In the majority of the Gulf States less than one-third of the available agricultural land is under cultivation at the present time, and in the State of Texas less than one acre in ten which is available for the production of crops was occupied by the farming population at the time of the last census. Since that time the agricultural population of Texas has been increased by over 1,000,000 people, as nearly as can be estimated in the absence of later census figures, and citizens of other States are crowding into Texas at the rate of 30,000 to 40,000 persons per month, in search of homes and agricultural opportunities on Texas soils.

Requests for the soil survey of over 60 additional Texas counties have been presented to the Bureau of Soils, supported by the petitions of the Texas Farmers' Congress, representing over 300,000 Texas farmers, by local agricultural organizations, and by boards of trade. In order that the agricultural opportunities of Texas and the nature and the character of Texas lands may be made known, not only to the present population of the State but to those who are desiring to make their homes there, the extension of the soil-survey work in Texas is earnestly desired and as earnestly urged.

Mr. UNDERWOOD. Mr. Chairman, in conclusion I want to say this, that the gentleman in charge of this bill and the gentlemen who have reported the bill to the House have uniformly

almost, condemned the Bureau of Soils, condemned the Soil Survey, and yet we find in this bill an appropriation already of \$137,000 to carry out this work.

Now, if it is no good, if it is a fake, as you say it is, if it is a useless proposition, why are you wasting government money for it; why are you bringing in an appropriation of \$137,000 if it is no good? It is good, and by your very action in reporting this appropriation you stand for the Bureau of Soils; you stand for soil surveys, or you condemn yourselves. If it is good, then why should we not carry on the work; why should we not make it \$237,000 instead of \$137,000 to finish the work?

Mr. RUCKER. Why should we limit it to \$237,000?

Mr. UNDERWOOD. I think we should push it as rapidly as we can, and if we had the men to do the work to-day, and bring it to the people, I would say \$400,000; but we have got the men to work for which we ask this sum.

Mr. SHEPPARD. Five hundred thousand dollars would not meet the expense to supply all the requests made for these surveys.

Mr. UNDERWOOD. Undoubtedly. Here are people from one end of the country to the other demanding these soil surveys. Now, they want them, and the Committee on Agriculture approves the Bureau of Soils, because I will not say they condemn themselves. Therefore why should we hesitate to increase this appropriation the pitiful sum of \$100,000, when you are spending millions that go to the benefit of no one, especially not to the benefit of the producing classes in this country? [Applause.]

Mr. SCOTT. Mr. Chairman, I would like to inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Kansas has six minutes remaining.

Mr. SCOTT. Mr. Chairman, while the appropriation bill was pending before the Committee on Agriculture the following gentlemen appeared before that committee to ask for more liberal appropriations for some of the bureaus: Dr. W. H. Jordan, of Geneva, N. Y.; Dr. W. E. Stone, president of Purdue University, Indiana; Dr. H. C. White, of the University of Georgia; and Prof. C. F. Curtis, dean of the College of Agriculture, of Ames, Iowa. They did not volunteer any comment upon the Bureau of Soils, I think I ought to say in fairness to them; but they were asked whether they believed the work of that Bureau of Soils to be of practical value, and they united in the declaration that in their judgment the value of that work had been grossly exaggerated. Doctor Jordan expressed this opinion, in which they all declared they concurred:

We recognize the fact that there is being done in the laboratories of the Bureau of Soils some excellent investigational work which we would not like to see cease, and which should be encouraged. But as to this broad general study by the Bureau of Soils of various sections of the country, I do not feel that in the State of New York we have gotten anything out of it. I am answering you frankly, without the slightest desire to reflect upon anybody.

Then Doctor White, of Georgia, said:

You are asking me now my opinion and that of the gentlemen with whom I am associated, and the general farming people whom I know, as to the utility of the soil surveys in farm practice, and I tell you that in my judgment, and I believe in the judgment of others, the importance which has been given by the Bureau of Soils itself in its reports and elsewhere to the value of that work has been grossly exaggerated.

Mr. BARTLETT of Georgia. May I interrupt the gentleman?

Mr. SCOTT. The gentleman will pardon me; I can not yield.

Mr. BARTLETT of Georgia. I should like to read some statements that the gentleman has not read.

Mr. SCOTT. The gentleman will understand, in view of the brief time I have, that I can not yield.

The extracts which I have read show clearly enough the opinion of men who have control of the state agricultural colleges, and certainly the views of trained and scientific agriculturists ought to be entitled to some weight.

The gentleman from Alabama very properly inquires why it is, if the committee believes these soil surveys to have no value, that we make any appropriation for them at all? We do believe they have value, but we believe the value depends on whether or not the surveys are followed up by utilization work; and the position we take is that with the appropriation we carry in this bill they will be able to make all the surveys which can possibly be so followed up. It is because we take this position that we make that appropriation. And to say that because \$137,000 is good, \$237,000 would be better, is just about as logical and worthy of about as much consideration as to say because one battle ship is good a hundred battle ships would be better, basing upon that argument a demand for an appropriation of a sufficient amount to build them.

But I take the position that if the claims of the Bureau of Soils were ten times as great as they are, I should still wish to see this amendment defeated because of the methods used to force it through this House. Of course I do not refer to the gentleman from Alabama or to any other Members of the House who are supporting this amendment. They have done nothing and are doing nothing not absolutely within their rights.

But it is well known that as long ago as last Friday, days before this paragraph in the bill had been reached, long before any public announcement had been made that this amendment would be offered, gentlemen on this floor began to receive telegrams from their constituents asking them to support "the Griggs amendment," the expectation at that time doubtless being that it would be offered by the gentleman from Georgia.

Now, those of us who have served even a single session here know perfectly well that such telegrams as these are inspired. They are not spontaneous. In the very nature of things, those who sent them could not have known that such an amendment as this was to be offered unless they had been informed, directly or indirectly, by some one who was on the inside here in Washington. Now, I know the gentleman from Alabama [Mr. UNDERWOOD] has not sent out this information, and I do not believe it has been done by any other Member. Then, who did send it out? Who is likely to have sent it except some one who had a personal interest in swelling the appropriations for this bureau? [Applause.]

No one could be more reluctant than I to make a damaging charge against any man without absolute proof to sustain it. But it is so obvious that these telegrams were inspired, and it is so obvious that the men connected with the Bureau of Soils have a greater interest than anyone else has in the passage of this amendment that I can not believe I am wrong in charging that someone connected with that bureau is responsible for this outrage. For is it not an outrage? Can there be conceived a more intolerable situation than would exist if bureau officials generally, whenever they failed to get all the money they asked for from a committee, should go over the head of that committee, over the head of their department chief, and by "building a fire" under Members of the House, by the meanest and most disreputable of the tricks of the lobbyist, should attempt to coerce Congress into swelling their appropriations?

Mr. OLLIE M. JAMES. Will the gentleman yield for a question?

Mr. SCOTT. I shall be obliged to decline. If this were the first time the Bureau of Soils had offended in this way, I should not feel so strongly about it. But gentlemen may remember that we had a precisely similar experience with this same bureau last year. At that time the officials of that bureau, in utter contempt of your Committee on Agriculture, in insolent disregard of the wishes of the Secretary of the department, demanded from this House a hundred per cent increase in their appropriation and enforced that demand through a species of lobbying, bolder and more unscrupulous than any I have ever known. The House yielded to that demand, and to-day we see the result. Emboldened by their success last year the officials of this bureau are attempting another raid upon the Treasury through the same tactics. Will they win again? I can not believe it. I can not believe that this House will deliberately give notice that all any bureau chief has to do who is disappointed with the appropriation given him by a committee in order to get all the money he wants is merely to build a hot enough fire under the Members at home. I can not believe that this House will vote to discredit its own committee and declare in effect that its recommendations are entitled to no weight as against the demands of a bureau chief. I appeal to the House to vote down this amendment and thus serve notice that the Congress reserves to itself the right to fix the limit of appropriations and that lobbying on the part of bureau officials is insufferable and must cease. [Applause.]

The CHAIRMAN. All time has expired. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The question being taken, on a division (demanded by Mr. UNDERWOOD) there were—ayes 60, noes 90.

Accordingly the amendment was rejected.

The Clerk read as follows:

Total for Bureau of Soils, \$232,660.

Mr. SCOTT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FOSTER of Vermont, Chairman of the Committee of the Whole House on the state of the Union, re-



ported that that committee had had under consideration the bill H. R. 27053, the agricultural appropriation bill, and had come to no resolution thereon.

#### QUAPAW AGENCY LANDS.

The SPEAKER laid before the House the bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes, with Senate amendments thereto.

The Senate amendments were read.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to nonconcur in the Senate amendments and ask for a conference.

Mr. MANN. What is this bill?

Mr. SHERMAN. An Indian bill, for the alienating of certain lands of the Quapaw Nation.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. SHERMAN, Mr. MARSHALL, and Mr. STEPHENS of Texas.

#### ESTATE OF SARAH EDWARDS.

By unanimous consent, at the request of Mr. MILLER, the Committee on Claims was discharged from the further consideration of the bill (S. 6852) for the relief of Walter F. Rogers, executor of the estate of Sarah Edwards, late owner of lot No. 116, square No. 628, Washington, D. C., with regard to assessment and payment of damages on account of change of grade due to construction of the Union Station, District of Columbia, and the same was referred to the Committee on the District of Columbia.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GARDNER of Michigan, for four days, on account of important business.

To Mr. ESCH, for five days, on account of important business.

#### ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 27252. An act for the relief of Francisco Krebs and his heirs and assigns; and

H. R. 13809. An act for the relief of Charles S. Blood.

The SPEAKER announced his signature to enrolled joint resolution and bills of the following titles:

S. R. 115. Joint resolution authorizing the Secretary of War to establish harbor lines in the Kansas River at Kansas City, Kans.;

S. 6580. An act to amend an act entitled "An act for the widening of Bladensburg road, and for other purposes," approved January 9, 1907;

S. 8540. An act to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902, as amended by an act approved February 1, 1905, entitled "An act to amend an act entitled 'An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.;'" and

S. 6359. An act to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 13809. An act for the relief of Charles S. Blood; and

H. R. 27252. An act for the relief of Francisco Krebs and his heirs and assigns.

#### LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. GARDNER of New Jersey, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Henry Walrath, Sixtieth Congress, no adverse report having been made thereon.

By unanimous consent, at the request of Mr. BOOHER, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of W. S. Thatcher, Sixtieth Congress, no adverse report having been made thereon.

#### ADJOURNMENT.

Mr. SCOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for care and custody of insane persons in the district of Alaska for the fiscal year ending June 30, 1909 (H. Doc. No. 1435)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for care and custody of the insane in the district of Alaska for the fiscal year ending June 30, 1910 (H. Doc. No. 1436)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for an accountant for the office of Commissioner of Indian Affairs (H. Doc. No. 1437)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Agriculture submitting an estimate of appropriation for the Bureau of Animal Industry (H. Doc. No. 1438)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of appropriation for expenses of representation at the Brussels Conference on International Law (H. Doc. No. 1439)—to the Committee on Appropriations and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Hope*, Sylvester Bill, master (H. Doc. No. 1440)—to the Committee on Claims and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McCALL, from the Committee on the Library, to which was referred the joint resolution of the House (H. J. Res. 254) creating a commission to recommend a design and site for a monument or monumental memorial to Abraham Lincoln, and for other purposes, reported the same without amendment, accompanied by a report (No. 2106), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

#### ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. McCALL, from the Committee on the Library, to which was referred the amendment of the Senate to the joint resolution of the House (H. J. Res. 247) relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln and making the 12th day of February, 1909, a legal holiday, and for other purposes, reported the same adversely, accompanied by a report (No. 2105), which said amendment and report were laid on the table.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 27594) granting a pension to Anna Kennah, and the same was referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LINDBERGH: A bill (H. R. 28016) to authorize the sale at auction of public land heretofore withdrawn for reser-

voir purposes and islands of less than 10 acres area—to the Committee on Indian Affairs.

By Mr. GARRETT: A bill (H. R. 28017) to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BENNET of New York: A bill (H. R. 28018) to amend the act entitled "An act to encourage the establishment of public marine schools," approved June 20, 1874—to the Committee on the Merchant Marine and Fisheries.

By Mr. PETERS (by request): A bill (H. R. 28019) for the relief of the officers of the Regular Army, Navy, and Marine Corps of the civil war, not now on the retired list of the army or navy, who resigned from said service because of wounds received in battle or because of other disabilities incurred in said service—to the Committee on Military Affairs.

By Mr. SMITH of Michigan: A bill (H. R. 28020) to provide for the extension of Newton place NW. from New Hampshire avenue to Georgia avenue and to connect Newton place in Gass subdivision with Newton place in Whitney Close subdivision—to the Committee on the District of Columbia.

By Mr. SMALL: A bill (H. R. 28021) authorizing the purchase by the United States of the Albemarle and Chesapeake Canal, in the States of Virginia and North Carolina—to the Committee on Rivers and Harbors.

By Mr. HULL of Tennessee: A bill (H. R. 28022) to amend an act entitled "An act to create a new division in the middle judicial district of the State of Tennessee"—to the Committee on the Judiciary.

By Mr. ALLEN: A bill (H. R. 28023) authorizing the preparation of plans, estimates, and survey for a bridge across the Eastern Branch of the Potomac River on the line of Massachusetts avenue extended, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KENNEDY of Ohio: A bill (H. R. 28024) to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, in said district—to the Committee on the Judiciary.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 28025) granting a pension to Katie E. Delph—to the Committee on Pensions.

By Mr. BROUSSARD: A bill (H. R. 28026) for the relief of the Louisiana State Bank—to the Committee on War Claims.

By Mr. BRUNDIDGE: A bill (H. R. 28027) for the relief of the heirs of Wesley W. Wallace—to the Committee on War Claims.

By Mr. CAMPBELL: A bill (H. R. 28028) granting an increase of pension to Horace W. Nungesser—to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 28029) to correct the military record of Robert F. Hamilton—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 28030) granting an increase of pension to George E. Lewis—to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 28031) granting an increase of pension to Henry H. Minor—to the Committee on Pensions.

By Mr. GARRETT: A bill (H. R. 28032) granting an increase of pension to W. J. Ray—to the Committee on Invalid Pensions.

By Mr. HILL of Connecticut: A bill (H. R. 28033) granting an increase of pension to Nora Shepard—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 28034) granting an increase of pension to Simon P. Ulch—to the Committee on Invalid Pensions.

By Mr. MCKINLEY of Illinois: A bill (H. R. 28035) granting an increase of pension to W. H. Burnett—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 28036) granting a pension to Ethel M. Hoffman—to the Committee on Pensions.

Also, a bill (H. R. 28037) granting an increase of pension to David Rizer—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 28038) granting an increase of pension to James Enloe—to the Committee on Invalid Pensions.

By Mr. SLAYDEN (by request): A bill (H. R. 28039) granting an increase of pension to John S. Churchill—to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 28040) for the relief of John W. Alves—to the Committee on War Claims.

By Mr. SWASEY: A bill (H. R. 28041) granting a pension to George I. Leonard—to the Committee on Pensions.

Also, a bill (H. R. 28042) granting a pension to John Aldrich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28043) granting an increase of pension to Stephen B. Marston—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 28044) granting a pension to Peter A. August—to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 28045) authorizing the Secretary of the Interior to set aside the forfeiture of and reinstate a coal lease to the Sans Bois Coal Company and to permit the relinquishment of lands in certain Choctaw and Chickasaw coal leases and the substitution of other lands therefor, and for other purposes—to the Committee on Indian Affairs.

By Mr. LOUDENSLAGER: Resolution (H. Res. 554) to pay to Herman Gauss and L. S. Terry certain sums of money—to the Committee on Accounts.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BEALE of Pennsylvania: Petition of Woman's Christian Temperance Union of Apollo, Pa., for interstate regulation of commerce in liquors—to the Committee on Alcoholic Liquor Traffic.

By Mr. CALDWELL: Petition of M. M. Heath, of Pana, Ill., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. COOK of Pennsylvania: Petition of National Board of Trade, favoring parcels-post and savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of National Board of Trade, for legislation to establish schools for the training of applicants for the consular service—to the Committee on Foreign Affairs.

By Mr. DAVIS: Petition of the Minnesota Live Stock Breeders' Association, favoring the Davis bill, for promotion of technical education—to the Committee on Agriculture.

Also, petition of W. R. Wood and others, of Castle Rock; John O'Brien, of Kilkenny; and O. A. Olin and others, of Lafayette, all in the State of Minnesota, against duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of Trades League of Philadelphia, favoring increase of salaries of United States judges (S. 6973)—to the Committee on Appropriations.

By Mr. DAWSON: Petition of James Heatley and others, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of 100 mercantile firms of the Second Congressional District of Iowa, against a parcels-post and postal savings bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Petition of the Shenandoah Valley Fruit Growers' Association, for law to compel inspection of imported nursery stock—to the Committee on Agriculture.

By Mr. FULLER: Petition favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of the American National Live Stock Association, opposing advancement in freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of board of supervisors of San Francisco, Cal., favoring action in taking water from the Hetch Hetchy Valley, etc.—to the Committee on Irrigation of Arid Lands.

Also, petitions of the National Civil Service Reform League and Columbia Typographical Union, No. 101, of Washington, D. C., against the Crumpacker census bill (H. R. 16954)—to the Committee on the Census.

By Mr. GARDNER of Massachusetts: Petition of Salisbury Grange, No. 228, Patrons of Husbandry, favoring a national highways commission and federal aid in construction of public highways—to the Committee on Agriculture.

By Mr. GARRETT: Paper to accompany bill for relief of W. J. Ray—to the Committee on Invalid Pensions.

By Mr. HAMMOND: Petition of Theodore Kintzi and 33 others, against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of Tim Sammons and 5 others, of Triumph, Minn., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. HASKINS: Petition of Jamaica Grange, No. 378, and Calais Grange, No. 387, favoring a national highways commis-



sion and appropriation for federal aid in construction and improvement of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. HOWELL of New Jersey: Petition of Ministers' Association of South Amboy, N. J., favoring temperance legislation of various sorts—to the Committee on Alcoholic Liquor Traffic.

By Mr. HUGHES of New Jersey: Petition of Delaware Valley Grange, of Landgston, N. J., favoring legislation to establish parcels-post and postal savings bank laws (S. 5122 and 6844)—to the Committee on the Post-Office and Post-Roads.

Also, petition of Delaware Valley Grange, No. 143, favoring a national highways commission—to the Committee on Agriculture.

By Mr. KAHN: Petitions of Alice M. Lord and 95 other residents of Seattle, Wash.; Byron S. Thornton and 12 other residents of Ellenville, N. Y.; John Scanlan and 96 other residents of San Francisco, Cal.; John A. Warren and 35 other residents of St. Elmo, Tenn.; Gust. Jordan and 97 other residents of Tacoma, Wash.; David C. Foss and 27 other residents of Lititz, Pa.; Fred Noltzen and 48 other residents of Lehigh, Pa.; and A. V. Fortune and 87 other residents of San Francisco, Cal., for an effective exclusion law against all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of San Francisco, Cal., in favor of H. R. 26092, for a national consular school—to the Committee on Foreign Affairs.

Also, petition of the Sailors' Union of the Pacific, against removal of the United States marine hospital at San Francisco from its present location to Angel Island—to the Committee on Naval Affairs.

Also, petition of Golden Gate Harbor, No. 40, American Association of Masters, Mates, and Pilots of Steam Vessels, favoring S. 6990—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Golden Gate Harbor, No. 40, American Association of Masters, Mates, and Pilots of Steam Vessels, favoring H. R. 15657—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of San Francisco Labor Council, Bayard River Steamboat Men's Union, and Marine Firemen, Oilers, and Watertenders' Union of San Francisco, Cal., against removal of the United States marine hospital at San Francisco from its present location to Angel Island—to the Committee on Naval Affairs.

By Mr. LINDSAY: Petition of U. S. Grant Post, of Brooklyn, N. Y., favoring H. R. 15829, relative to a medal of honor for Charles Rapp—to the Committee on Military Affairs.

Also, petition of S. W. Eccles, favoring H. R. 25553, for the relief of the Alaska Pacific Railway and Terminal Company—to the Committee on the Territories.

By Mr. MALBY: Petition of members of the Congregational Church of Poughkeepsie, N. Y., favoring H. R. 24148, for federal bureau for children—to the Committee on Expenditures in the Interior Department.

By Mr. MANN: Petition of the Shenandoah Valley Fruit Growers' Association, for legislation to control manufacture and sale of insecticides and fungicides—to the Committee on Agriculture.

Also, petition of Shenandoah Valley Fruit Growers' Association, favoring a quarantine and inspection of imported nursery stock, etc.—to the Committee on Agriculture.

By Mr. NORRIS: Petition of the Grand Army of the Republic Post of Hastings, Nebr., for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. PERKINS: Petition of S. Perkins & Co., of Rochester, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. SABATH: Petition of the National Live Stock Association, of California, against advancement of freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. SLAYDEN: Paper to accompany bill for relief of John S. Churchill—to the Committee on Invalid Pensions.

Also, petition of citizens of Gillespie County, Tex., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Resolution of the directors of the Hartford Business Men's Association, of Hartford, Conn., urging the passage of the Appalachian and White Mountains forestry reserve bill—to the Committee on Agriculture.

By Mr. STANLEY: Paper to accompany bill for relief of John W. Alves, of Henderson County, Ky.—to the Committee on War Claims.

By Mr. STURGISS: Petition of John N. Tregellas, of Grafton, W. Va., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. SWASEY: Paper to accompany bill for relief of George I. Leonard—to the Committee on Pensions.

Also, papers to accompany bills for relief of Stephen B. Marston and John Aldrich—to the Committee on Invalid Pensions.

Also, petition of citizens of Industry, Me., favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petition of Belfast Grange, No. 1068, Patrons of Husbandry, and Cassadaga Grange, No. 659, Patrons of Husbandry, for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

Also, petition of business men of Cuba, Allegany County, N. Y., against a parcels-post and savings bank law—to the Committee on the Post-Office and Post-Roads.

Also, petition of oil producers of Allentown, N. Y., against putting oil on the free list—to the Committee on Ways and Means.

Also, petition of the Fredonia Preserving Company, of Fredonia, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of oil producers of Friendship, Allegany County, N. Y., against any change in tariff relative to crude oil—to the Committee on Ways and Means.

By Mr. WEBB: Petition of citizens of Lincoln County, N. C., favoring a parcels-post and postal savings bank bill—to the Committee on the Post-Office and Post-Roads.

## SENATE.

THURSDAY, February 11, 1909.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### ELECTRIC LIGHTING IN MANATI, P. R.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, certified copies of a franchise granted by the executive council of Porto Rico for the purpose of erecting, maintaining, and operating an electric plant, etc., in the municipality of Manati (H. Doc. No. 1444), which, with the accompanying paper, was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed.

### CHESAPEAKE AND POTOMAC TELEPHONE COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Chesapeake and Potomac Telephone Company of the District of Columbia for the fiscal year ended June 30, 1908 (H. Doc. No. 1442), which was referred to the Committee on the District of Columbia and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 8154) to amend section 19 of the act granting the Lake Erie and Ohio River Ship Canal Company rights to construct, equip, maintain, and operate a canal, or canals, and appurtenant works between the Ohio River, in the State of Pennsylvania, and Lake Erie, in the State of Ohio, approved June 30, 1906.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13851) providing for the purchase of a site and the erection of a new immigration station thereon at the city of Boston, Mass.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. MARSHALL, and Mr. STEPHENS of Texas, managers at the conference on the part of the House.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 23473. An act extending the time for final entry of